gathered one-half of the crop in my State or in any other State in the Southeast.

Here is a report made on Monday morning last, September 23, showing 727,988 bales of cotton ginned in my State, which would be more than two-thirds, or roughly three-fourths, of the entire number of bales that the State could hope to produce under existing conditions. A scapegoat is found, just as one is always found, by the Census Bureau. Somebody has made a clerical error. But here is the bureau handling cotton statistics. It has been engaged for many years in estimating and in furnishing the reports and in making public the number of bales of cotton ginned up to and including certain dates. That bureau or the men in it are supposed to know something about the commodity on which they are reporting. They estimate the number of bales carried over.

The Department of Agriculture indicate what the price is going to be, to the disaster of the cotton grower, and with disturbing regularity they come back with some sort of erroneous report in the very midst of the crop that is grown by nearly 2,000,000 farmers out of the round number of 6,000,000 farmers in the United States. If the man who made that report had used ordinary diligence he would have known that the State could not have ginned up to September 15 three-fourths of the possible production of the State under boll-weevil conditions. The error is absolutely inexcusable.

The Census Bureau, after the close of the trading, and, of course, some time after the close of the cotton exchange, made the correction and said it was an error on the part of the clerical force and further said it did not make much difference anyhow because the fluctuations in price had not been very great. Think of a department of this Government excusing such wholly inexcusable negligence in that way! It is so gross, Mr. President, that anyone would be warranted in saying that there is something more than negligence behind it. Errors of one kind and another have been repeated with such disturbing and disastrous regularity until anyone would be justified in saying there is something more than carelessness behind it. The man responsible for it ought to be dismissed from the bureau without investigation. We will not correct such errors unless vigorous action is taken.

Mr. President, I have no objection to the consideration of the resolution which the Senator from Alabama has submitted. It ought to be passed, but much more than that ought to be done. With this closing statement I shall take my seat:

The Census Bureau said that after all the error of 300,000 bales of cotton did not break the market more than 12 to 16 points; but, Mr. President, the market might have gone up many points to the betterment and benefit of the growers of cotton if the report had been accurately given to the public. But that again discloses the utter lack of knowledge of this great commodity on the part of the Census Bureau.

The cotton exchange closes at a fixed hour, as every Senator from the Cotton Belt knows, and probably every Senator from other parts of the country. It is true the price did not break so much during the trading hours, but with the production indicated, showing for the State of Georgia an indicated production of 1,500,000 bales of cotton, everybody who had cotton after the market closed wanted to get rid of it before the market opened the following day. Every man who had cotton on hand was anxious not to have the next day's trading find him with that cotton on hand in the face of the indicated production.

It was an error wholly inexcusable, an error that a schoolboy ought not to have made, an error that no man can make who knows anything about the industry with which he is dealing. There should be a prompt dismissal of everyone in the bureau connected with it, whether it be a clerical error or not. This is not the first mistake that has occurred, but it is the first grievous clerical error which the bureau itself has been compelled to admit and which five and one-half hours after it had been published to the world it did correct.

Mr. President, as I said I have no objection to the consideration of the resolution of the Senator from Alabama.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution of the Senator from Alabama as modified?

Mr. SMOOT. Mr. President, I suppose the Senator is ready to have the Senate act upon the resolution now?

Mr. HEFLIN. I am ready.

Mr. SMOOT. I have no objection.

The resolution as modified was considered and agreed to, as follows:

Whereas on September 23, the day fixed by law for the publication of the ginners' report of American cotton ginned to that date, the Bureau of the Census caused to be given out and published a report purporting to be a correct and accurate report of the number of bales of American cotton ginned this season up to September 23; and

Whereas when complaint was made that the ginners' report given out for publication by the Bureau of the Census on that date was not justified by the facts regarding the actual number of bales of cotton ginned up to September 23, the Bureau of the Census admitted that its report published on September 23 contained figures showing 300,000 bales more of cotton ginned up to that date than the Government figures justified; and

Whereas said incorrect and misleading ginners' report resulted in depressing the price of cotton: Therefore be it

Resolved, That the Bureau of the Census is hereby requested to give to the Senate all the information that it has as to why and how the said report on cotton ginned to September 23 was made and given out for publication, and what steps, if any, have been taken to prevent errors in such reports.

The preamble was agreed to.

ADJOURNMENT TO MONDAY

Mr. SMOOT. Mr. President, several days ago, in answer to a question submitted to me as to when we were going to have a morning hour, I stated at that time that we would have a morning hour at the very first opportunity. Earlier in the day, at my request, the Senate entered an order by unanimous consent that when the Senate concluded its business to-day it would take a recess until to-morrow at 11 o'clock. I am going to ask that that order be rescinded, and then I shall move that the Senate adjourn until Monday morning next at 11 o'clock a. m.

The VICE PRESIDENT. Is there objection to rescinding the unanimous-consent order that when the Senate concludes its business to-day it shall take a recess until to-morrow at 11 o'clock a. m? The Chair hears none, and the order is rescinded.

Mr. SMOOT. I now move that the Senate adjourn until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, September 30, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate September 27 (legislative day of September 9), 1929

GOVERNOR OF ALASKA

George A. Parks, of Colorado, to be Governor of Alaska. (Reappointment.)

APPOINTMENTS AND PROMOTIONS IN THE NAVY

MARINE CORPS

Second Lieut. Perry K. Smith to be a first lieutenant in the Marine Corps from the 12th day of August, 1929.

Second Lieut. Charles L. Fike to be a first lieutenant in the Marine Corps from the 20th day of September, 1929.

James V. Bradley, jr., a citizen of Maine, to be a second lieutenant in the Marine Corps (probationary for two years) from the 25th day of July, 1929.

George R. Weeks, a citizen of South Carolina, to be a second lieutenant in the Marine Corps (probationary for two years) from the 25th day of July, 1929.

SENATE

MONDAY, *September 30, 1929*

Rev. Joseph R. Sizoo, D. D., minister of the New York Avenue Presbyterian Church of the city of Washington, offered the following prayer:

God of all power and might, the Maker and Ruler of men, we commend ourselves and our Nation to Thee again, to the guidance of Thy wisdom and the keeping of Thy love. Deliver us from the love of power and from the sordid motives of personal gain; from considerations of men and money in place of truth and justice. Grant that through our faithfulness mankind may be lifted to higher ideals and nobler achievements, through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Thursday and Friday last in the legislative day of Monday, September 9, 1929, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

TRIBUTE TO THE LATE SENATOR LAWRENCE D. TYSON

Mr. McKELLAR. Mr. President, on September 7 last the Knox County (Tenn.) Bar Association adopted resolutions in memory of the late Senator LAWRENCE DAVIS TYSON. I ask unanimous consent that the resolutions may be printed in the

RECORD as a part of my remarks and may be included in the memorial edition which is to be published relating to my former colleague. I ask also that the resolutions may be ordered to lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

IN MEMORIAM—LAWRENCE DAVIS TYSON—BORN JULY 4, 1861; DIED AUGUST 24, 1929

When we least look for it, death comes into our circle of friends and takes away some loved head. Passing by those who may be patiently awaiting his summons, he selects for his victims those upon whom the burden of years does not yet weigh heavily, whose deaths, all unexpected, startle us, on whose living the happiness and welfare of many depended, and of whose labors, during the years that are to come, the business enterprises with which they are connected, their city, or State, or Nation looked to receive much profit and advantage.

So early on August 24, 1929, came the distressing news of the death of our brother member of the bar, LAWRENCE DAVIS TYSON.

His ancestors settled in Pitt County, N. C., about the year 1720. One of his forbears, at least, was a patriot of the Revolution. His father, Richard Lawrence Tyson, was a planter, and a soldier in the Confederate Army during the whole of the War between the States. His mother was Margaret Louise (Turnage) Tyson.

General TYSON was born on his father's plantation near Greenville, N. C., *July 4, 1861*.

When we reflect upon the grievous and unhappy days of the War between the States, a few months after the beginning of which General TYSON was born, and upon the still more grievous and unhappy days for the people of his native State, and indeed for the whole South, during the period of oppression and corruption which followed that war, years which included the impressionable ones of his childhood and youth, we must conclude that General TYSON's parents must have possessed wisdom and gentleness and love to an unusual degree, and that his home life was agreeable and pleasant, for the boy to have acquired and retained the genial and happy nature and disposition that characterized him through life.

He attended the country schools on his father's plantation until 1873 when he became a student at the Greenville (N. C.) Academy.

It has been well said that "Prosperity tests the fortunate; adversity the great." General TYSON proved the maxim. He bore prosperity, in his later life, gracefully, letting it not spoil him. In his youth he made adversity serve him and strengthen his spirit and character.

While still in his teens, to help support himself, his mother, and sisters, he started to work as clerk in a hotel at Salisbury, N. C., part of his duties being to drive the conveyance which carried the patrons to and from the railroad station, and eked out his meager pay by clerking in a country store, thus demonstrating in his youth that willingness to and capacity for work that marked his whole life.

At the same time he continued his studies, and when opportunity offered, made application for a cadetship at West Point, succeeded in the competitive examination, winning the cadetship by making the highest grade, and entered the Military Academy at the age of 18 years, the youngest age permitted by law; soon after his entry his father died, on June 30, 1879, a terrible blow to a youth starting to school to equip himself to fight the battles of life.

He went through the academy on his pay and allowances as a cadet, his parents having been impoverished by the war. Not only that, but when he graduated he had saved enough to pay for the uniforms necessary for an Army officer (then much more costly than now), his sword, and side arms, and have $200 with which to start his Army career. Upon graduation he was assigned to the Ninth United States Infantry and ordered to Fort D. A. Russell, Wyo.

During his cadetship at West Point, General TYSON met Miss Bettie H. McGhee, daughter of the late Charles M. McGhee, of Knoxville, courted her and married her in 1886, a gentlewoman of loveliness and grace of person, and possessed of lovely ideals, fine principles, noble heart, and Christian fortitude that matched the general's own, and blessed them with the unalloyed happiness of over 40 years of married life. We are sure that General TYSON would be the first to accord to his noble wife a large part in the success and in the fame he afterwards achieved.

During the following years, while in the Regular Army, General (then lieutenant) TYSON served at Army posts in Arizona, Wyoming, Kansas, New York, New Mexico, and Tennessee; thus enabling him to acquire a broad vision of national affairs, conditions and manners of life that served him well when he was called upon to serve his country in high civil office.

His last assignment as a regular officer was as professor of military science and tactics at the University of Tennessee.

Here he again displayed not only an assiduous attention to duty, but a capacity for work outside of his routine duties, that marked him through life, by taking a course in law at the university and securing his degree of bachelor of laws, and being admitted to the bar of Tennessee in 1895.

In 1896 he resigned his commission in the Army and entered the law firm of Lucky & Sanford, the firm becoming Lucky, Sanford & Tyson.

We have not sought by examination of the records or otherwise to ascertain in what cases he appeared as attorney or solicitor, nor in what courts or what clients he advised and counseled.

His practice at the bar did serve as an apprenticeship to further equip him for that career of business executive and financier and statesman upon which he later embarked.

It also served to imbue him with the knowledge that so many men of military education and training never acquire, or if acquired are prone to forget, and that is that the law is the handmaiden of justice, and not an instrument of vengeance, nor an engine of military discipline.

His study, practice, and knowledge of the law strengthened his innate sense of justice, and served him well throughout his career both in military and civil life.

At the outbreak of the Spanish-American War in 1898, he volunteered his services and was commissioned colonel of the Sixth United States Volunteer Infantry, known as the Sixth Immunes, a regiment recruited in large part from Tennessee and Kentucky.

Many, if not most, of the officers and men of this regiment had little or no prior military experience. Colonel TYSON set himself to the tremendous task of whipping this material into shape; and by means of officer's schools, "noncom" schools, and constant drilling in two months' time had a well trained and well drilled regiment, one that merited and received the warm approval of the general officers reviewing it when it passed in the grand review held at Chickamauga Park in August, 1898.

In October, 1898, the regiment was sent to Porto Rico. Colonel TYSON not only commanded the regiment but acted as military governor of the Province of Arecibo, about one-fourth of the island. He gained distinction for the manner in which he had commanded the regiment, and conducted the affairs of that part of the island over which he was military governor, and was recommended to be mustered out of the service with the rank of brigadier general.

The regiment returned to the United States in February, 1899, and was mustered out March 15, 1899. Colonel TYSON returned to Knoxville and entered upon that long career of business executive and financier which terminated only with his death.

Among the many important positions he held at various times during his career were president of the Knoxville Cotton Mills, Knoxville Spinning Co., and Tennessee Mills, all of which he organized; president of the Nashville Street Railway Co., a position he held at the outbreak of the Spanish-American War; president of the Poplar Creek Coal & Iron Co., of the East Tennessee Coal & Iron Co., and of the Lenior City Land Co.; vice president of the Cambria Coal Mining Co., of the Roane Iron Co., and of the Coal Creek Mining & Manufacturing Co. He was a director in two banks and in several other corporations.

Notwithstanding the activities required of him in the discharge of the many duties and responsibilities imposed upon him by his large and varied interests and the positions held in them, he maintained his interest in the military organization of his State, and served as inspector general of the National Guard of Tennessee under four governors, beginning under Governor McMillan in 1901. As such he revised the regulations of the guard, and lent all his influence and authority to make it an efficient force.

He obeyed his sense of duty as a citizen in a government of the people and took an active part in politics. He was a Democrat and affiliated with that party.

In 1902 he was elected to the House of Representatives of Tennessee, as one of the representatives from Knox County, and was chosen speaker of the house.

In 1904 he was a candidate for senator from Knox County but was defeated.

He was delegate at large to the Democratic National Convention in 1908.

In 1913 he was a candidate before the legislature for the United States Senate, and received 62 votes, 67 being necessary for a choice.

When the United States entered the World War in 1917 General TYSON again volunteered his services as did his only son, McGhee Tyson. Both seemed inspired by the true spirit of patriotism, love of country, and loyalty to the high principles and duties of America and Americans proclaimed by the President in his message to the Congress announcing the declaration of war.

Both General TYSON and his son seemed to be moved by the same spirit as that of the Roman, who, when necessity of weather was alleged to hold him from embarking on a dangerous voyage commanded by the public exigency, replied: "It needs that I go; that I live it doth not need."

General TYSON was first commissioned brigadier general in command of the National Guard of the State by Governor Rye, and later was commissioned a brigadier general in the National Army by President Wilson, and assigned to the command of the Fifty-ninth Brigade, Thirtieth Division. The Fifty-ninth Brigade, made up of Tennesseeans and South Carolinians, was composed of the One hundred and seventeenth and One hundred and eighteenth Infantries and the One hundred and fourteenth Machine Gun Battalion.

He trained these troops at Camp Sevier, S. C., and they were ordered overseas May 1, 1918, General TYSON commanding the Thirtieth Division during the voyage; after about five weeks of their arrival overseas they were ordered to the front line at Ypres.

His brigade—the Fifty-ninth, had the distinction of being the first American troops to cross the Belgian frontier July 4, 1918. There they remained aiding in holding the line under constant bombardment, making numerous attacks, and suffering counterattacks until September 2, 1918. This service was rendered at the most critical time of the war, when the presence of American troops was absolutely essential to aid in saving the day at that important point.

On September 5, 1918, General TYSON, with his brigade and division, was ordered to the Somme area in Picardy, where they were later thrown in front of the Hindenburg line at its strongest point on the Cambria St. Quentin Canal, in front of the towns of Bellincourt and Nauroy. He commanded the brigade in the great attack on the Hindenburg line between St. Quentin and Cambria, on September 29, when the Second American Corps, composed of the Twenty-seventh and Thirtieth Divisions, in conjunction with British, Canadians, and Australians broke through the Hindenburg line. The Thirtieth Divison, of which General TYSON'S brigade was a part, were the first through the line at Bellincourt, at which time a great victory was gained and thousands of prisoners captured.

General TYSON was in command of his brigade in practically continuous operations until the armistice. His engagements comprised the Canal Sector, Belgium, July 16 to August 30, 1918; Ypres-Lys offensive, Belgium, August 31 to September 2, 1918; Somme offensive, France, September 24 to October 20, 1918. The Thirtieth Division during the Somme operations drove the Germans back more than 20 miles.

During these days General TYSON'S brigade captured the towns of Montbrehain, Brancourt, Premont, and Ponchaux, and Busigny, and forced the difficult passage of La Salle River, captured the towns of Molain, and St. Martin Riviere, and aided in capturing the towns of Vaux Andigny, Bacquiny, St. Souplet, Ribeauville, and Mazingham, killed and captured great numbers of Germans, cannons and machine guns, and other war material and lost in killed and wounded more than 3,500 men.

No more heroic and gallant feats of arms have been performed by any troops, ancient or modern, than those performed by General TYSON'S brigade. A volume could be written about them. It must suffice now to summarize by saying that to his brigade of 8,000 men were awarded 9 of 78 medals of honor conferred upon the whole American Army of 4,500,000 men.

To General TYSON himself was awarded the distinguished service medal, his citation reading:

"LAWRENCE D. TYSON, brigadier general, Infantry, United States Army, for exceptionally meritorious and distinguished services. He commanded with distinction the Fifty-ninth Infantry Brigade throughout its training period and during its active operations against the enemy. His determination and skill as a military leader were reflected in the success of his brigade in the attack and capture of Brancourt and Premont, where a large number of prisoners and much material fell into our hands. He rendered services of great worth to the American Expeditionary Forces."

His only son, McGhee Tyson, made the supreme sacrifice, being killed in action as a naval aviator. His father received the news of his son's death while on the battle front. Men can not be subjected to a more severe test than this. The general bore it with Christian fortitude and carried on.

Both belonged to that breed of men which is the leaven of humanity and has been throughout the ages—those "that love God and fear nothing."

As an officer General TYSON was a stern disciplinarian, as all good and efficient officers must be, but in no sense a martinet. He was just and fair to officers and men, and enjoyed their confidence, respect, and even affection. It is believed to be entirely true that General TYSON never lost the friendship, loyalty, and esteem of the officers and men who served with him or under him, and who were themselves worthy of his friendship and kindly regard.

In 1920 General TYSON was indorsed by the Democrats of Tennessee as their candidate for the Vice Presidency before the San Francisco convention, the Tennessee delegation to that convention being instructed for him for that office. In the interest of harmony he withdrew his candidacy and the Hon. Franklin D. Roosevelt, present Governor of New York, was nominated.

In 1924 he was the successful candidate before the Democratic primary for the party nomination for United States Senator, and was later elected, taking office in March, 1925.

In this primary campaign he took for his platform the Woodrow Wilson policies, both in war and in peace, and upheld the League of Nations. His views may be epitomized by a quotation from his address made at Lincoln Memorial University, Armistice Day, 1920:

"Now that the Great War has been won and peace has been declared by all the great nations of the world except ourselves, there remains a great responsibility resting upon us to reorganize our own country and at the same time to do our just part in helping to prevent war and to maintain the peace for all mankind. We have taken such a great and prominent part in saving civilization, that the whole world is looking to us for further guidance and help, and I have an abiding faith that in God's good time we will not fail to take the part that will continue to keep us in the foremost place of all the nations in maintaining the civilization and peace of the world."

In 1924 General TYSON waged a campaign that will long remain memorable and noteworthy in the history of the State for the ability, sincerity, and energy of General TYSON and for his loyalty to the ideals and principles of his great Commander in Chief during the war.

It was a forceful reminder of the campaigns of that other great North Carolinian, who also died while representing Tennessee in our National Senate—Andrew Johnson; and it is a noteworthy coincidence that the last public address made by General TYSON was an address upon Andrew Johnson made at Greeneville, Tenn., last July.

When General TYSON became Senator he threw himself heart and soul into the battle to see that justice was done to the officers and men engaged in that war, especially in behalf of those disabled. His success against tremendous odds in securing the passage of the bill for the relief of disabled officers, which bears his name, will endear his name forever to all volunteer officers.

Before and after he was elected to he Senate, General TYSON was called upon to make many public addresses. Like his speeches in the Senate, these were marked by a thoroughness of preparation, clearness of expression, and sincerity and earnestness of purpose that made them truly eloquent.

Soldier, lawyer, business executive, statesman. How full of accomplishment and honor was his life. It has been well said, "It is better to live well than to live long." "The length of a man's life is not measured by the number of hours during which he breathes, but by his actions, and their value wherewith he fills those otherwise empty hours. A useless life is less than a span long, though it lasts a century."

General TYSON had acted well his part in the drama of life. He had been an affectionate father, a devoted husband, a kind neighbor, a loyal friend, an upright citizen, and a just and humane employer. Simple, courteous, dignified in his deportment, gentle in his manners, living cleanly in thought and deed, he always commanded the respect and esteem of all, even of those whose views and opinions most widely differed from his own. He at all times and everywhere exhibited an unswerving devotion to principle, and a singular integrity which distinguished alike, his political, his military, his business, and his private life.

All the duties which his manifold public trusts imposed upon him he well and faithfully discharged. Firm, inflexible, and fearless in the performance of whatever he, in his conscience, believed to be his duty, no man ever dreamed of impugning his honesty or impeaching his honor. He lent effectual aid to many great and laudable designs; he had a large share in many measures that promoted his country's welfare; and he added new luster to his country's flag, and vigorously maintained her honor; he stamped his impress deeply upon the institutions of his State; he labored with earnestness to extend and diffuse the blessings of constitutional freedom.

He took his part with the best of men in the best of their actions; and after what he had thus done, and done so well, he might, in the language of a great man, "be well content to shut the book, even if he might have wished to read a page or two more." It was enough for his measure. He had not lived in vain.

To the end, therefore, that a permanent memorial may be made of his virtues, his accomplishments, and our grief: Be it

Resolved, That we deeply deplore his loss as that of a friend whom we loved, a citizen whose life was one of noblest service to the city, State, and Nation, and ministered to its highest moral and spiritual life; a brave and fearless soldier in whose honorable distinctions we rejoice; a wise and patriotic statesman and member of our bar in whose life's work we take just and solemn pride.

That we extend our deepest sympathy to his bereaved wife and daughter.

That a copy of these resolutions, suitably engrossed, be sent to his family, and that three members of this bar be appointed by the chairman of this meeting as a committee to present copies hereof to the several State and Federal courts holding sessions at Knoxville, and request that they be spread upon the minutes of said courts, respectively.

HORACE VANDEVENTER, *Chairman.*	H. B. LINDSAY.
JOHN W. GREEN.	C. RALEIGH HARRISON.
CHARLES T. CATES.	Hon. E. G. STOOKSBURY.
W. T. KENNERLY.	Hon. ROBERT M. JONES.
JAMES A. FOWLER.	Hon. A. C. GRIMM.
JOHN H. FRANTZ.	

CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	King	Simmons
Barkley	Gillett	La Follette	Smith
Bingham	Glass	McKellar	Smoot
Black	Glenn	McMaster	Steck
Blaine	Goff	McNary	Steiwer
Blease	Goldsborough	Metcalf	Stephens
Borah	Gould	Moses	Thomas, Idaho
Bratton	Greene	Norris	Thomas, Okla.
Brock	Hale	Nye	Townsend
Brookhart	Harris	Oddie	Trammell
Broussard	Harrison	Overman	Tydings
Capper	Hatfield	Patterson	Vandenberg
Caraway	Hawes	Phipps	Wagner
Connally	Hayden	Pine	Walcott
Couzens	Hebert	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Reed	Warren
Dill	Johnson	Robinson, Ark.	Waterman
Edge	Jones	Robinson, Ind.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Kendrick	Sheppard	

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is absent on account of illness. I will let this announcement stand for the day.

Mr. FESS. I desire to announce that my colleague [Mr. BURTON] is detained from the Senate on account of illness. I ask that this announcement be allowed to stand for the day.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. GEORGE. Mr. President, I present a resolution of the Legislature of the State of Georgia, memorializing Congress to pass appropriate legislation creating a Georgia waterways and flood commission, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution

Whereas frequently the streams and rivers of the State of Georgia become swollen, causing them to overflow and flood vast areas of territory adjacent therto, which causes loss of life and property damage amounting to millions of dollars; and

Whereas such condition greatly retards the growth and development of sections subject to overflow and floods; and

Whereas this is especially true of the territory adjacent to the Altamaha River system; and

Whereas this condition may be corrected and remedied and these areas brought into a high state of productiveness; and

Whereas it may be possible by employment of modern engineering methods to both correct the existing evil and at the same time utilize the dams or dikes necessary as public highways; and

Whereas it may be possible in addition to employment of dikes, to create huge reservoirs which would be able to take care of the overflow, and the waters released therefrom when the rivers become normal, such reservoirs being stocked with fish, thus creating a new source of fish and food supply; and

Whereas it may be possible that the reforestation of large areas of lands would to a large extent aid in correcting the evil and provide a new source of timber and lumber supply; and

Whereas when the present condition is overcome large areas now useless for such purposes could be farmed and cultivated; and

Whereas such control of floods may be aided by dredging and deepening the rivers, which would enable commerce to be more speedily and conveniently carried on upon them; and

Whereas the United States Government has an important jurisdiction for purpose of navigation jurisdiction and control of all navigable waters within this State: Therefore be it

Resolved by the Senate of Georgia (the House of Representatives concurring), That we memorialize and call upon the Congress of the United States to pass appropriate legislation creating a Georgia waterways and flood commission, with or without local representation thereon, to be composed of three United States engineers, together with a representative or representatives from the United States Highway Department, the United States Bureau of Fisheries, the United States Forestry Service, the United States Department of Agriculture, the United States Department of Commerce, and the United States Bureau of Navigation; delegating to such commission the power, and making it the duty of such commission to study the problem, employ and execute the methods of correcting the same.

Resolved further, That the Governor of Georgia shall appoint a like commission of two members of the senate and three of the house, together with such additional members not to exceed seven in number, to advise with, aid, and assist the United States commission by furnishing data, information, and by any other ways and means within their power; and

Resolved further, That the governor shall transmit a duly certified copy of these resolutions to each of the Senators and Representatives in Congress from the State of Georgia.

W. CECIL NEILL,
President of Senate.
D. F. MCCLATCHEY,
Secretary of Senate.
RICHARD B. RUSSELL, Jr.,
Speaker of House.
E. B. MOORE,
Clerk of House.

Approved:

L. G. HARDMAN, *Governor.*

This 17th day of August, 1929.

STATE OF GEORGIA,
OFFICE OF SECRETARY OF STATE.

I, George H. Carswell, secretary of state of the State of Georgia, do hereby certify that the one page of typewritten matter hereto attached is a true copy of a resolution memorializing Congress to create a waterways and flood commission, and for other purposes, approved August 17, 1929, as the original of same appears on file in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at the capitol in the city of Atlanta this 25th day of September, A. D. 1929, and of the independence of the United States of America the one hundred and fifty-fourth.

[SEAL.]

GEORGE H. CARSWELL,
Secretary of State.

Mr. WARREN presented a resolution adopted by the Sheridan County (Wyo.) Farm Bureau, favoring adequate tariff protection for the beet-sugar industry, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Independence, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. HARRIS presented a resolution adopted by the Legislature of the State of Georgia, memorializing Congress to pass appropriate legislation creating a Georgia waterways and flood commission, with or without local representation thereon, to be composed of three United States engineers, together with a representative or representatives from the United States Highway Department, the United States Bureau of Fisheries, the United States Forestry Service, the United States Department of Agriculture, the United States Department of Commerce, and the United States Bureau of Navigation, delegating to such commission the power and making it the duty of such commission to study the problem, to employ and execute methods of correcting the same, etc., which was referred to the Committee on Commerce. (See resolution printed in full when previously presented to-day by Mr. GEORGE.)

PROCEEDING IN INDIRECT CONTEMPT CASES

Mr. VANDENBERG. Mr. President, a few days ago I introduced a bill providing legislation, establishing a new Federal rule in certain cases of indirect contempts of court. A prominent New York publication has epitomized the comments and recommendations of several American publicists upon this very challenging question. It is a question involving not only the essential freedom of the press but also the protection of the integrity of the courts. I ask unanimous consent that these pertinent observations may be printed in the RECORD. The subject is sufficiently important to deserve the Senate's early consideration.

Mr. NORRIS. Mr. President, I desire to add to the request of the Senator from Michigan that the matter be referred to the Committee on the Judiciary, to which the Senator's bill was referred.

Mr. VANDENBERG. Yes; I had intended to submit that request.

There being no objection, the matter was referred to the Committee on the Judiciary and was ordered to be printed in the RECORD, as follows:

[From Editor and Publisher, New York City]

By C. L. Knight, publisher, Akron Beacon-Journal:

"One of the purposes of the American Revolution that is too little stressed was popular objection to the tyranny of executive courts. When American independence was won a measure of this tyranny was imported into American judicial procedure.

"There was still too much of obsession upon the side of the bench that it was inerrant and supreme and held a sort of monarchic veto of all the grants of liberty made to the citizen and press by the Constitution.

"Senator VANDENBERG'S bill amending judicial procedure in a manner that restrains the right of judges to be their own jury and executioner in contempt proceedings arising in their courts is a step in the direction of bestowing upon the citizen the final sovereignty which the technical processes of the courts have denied.

"The supremacy of judges in this relation is as alien to American soil as the idea of the divine right of kings which its freemen shot to death. I am heartily for the Vandenberg measure and wish to commend Editor and Publisher for its own unstinted support of the reform proposed by it."

By Walter M. Harrison, managing editor Oklahoma City Oklahoman and Times, and president American Society of Newspaper Editors:

"Senator VANDENBERG's bill is a step in the right direction which will be applauded by every newspaper man who has been face to face with a judge on a question of contempt in which the judge was the sole critic of an attack upon his judicial acts. I believe judges are as human as editors or any other class of people. I think it extremely difficult for any jurist to divert himself of his personal bias in a matter that concerns himself so directly.

"I believe the time is not far distant when the thought of the whole country will join that of Senator VANDENBERG in demanding such a reform. A jurist should not be the sole judge of an indirect attack upon his own actions. In any such case a sense of complete fairness ought to cause a judge to disqualify and permit a disinterested individual to decide the issue on its merits alone."

By Stuart H. Perry, publisher Adrian (Mich.) Telegram:

"I think Senator VANDENBERG's proposal is sound and commendable. I have advocated such a change for years and can see no objections to it. This, however, is the only change that I believe should be made in the law relating to contempt of court, and, if enacted, it should be held strictly to the terms of Senator VANDENBERG's bill without any enlargement or extension whatever.

"Especially regrettable and against public interest would be any provision for trial by jury in contempt cases which would be gravely detrimental to the administration of justice.

"The procedure proposed by Senator VANDENBERG removes all valid excuse for demanding trial by jury. The whole subject of alleged abuses of the law of contempt by courts and its supposed dangers to the press are greatly misunderstood and often grossly exaggerated. Newspapers may very properly advocate the change in procedure above referred to, but to demand anything further will not, in my opinion, serve the best interests either of the press or the public."

By Frank E. Gannett, president Gannett newspapers:

"In my opinion, and I believe many members of the bar will agree with me, there should be no conviction for contempt of court where the alleged contempt does not take place in the presence of the judge presiding. Furthermore, the alleged contempt should not be tried before the judge aggrieved. I am heartily in sympathy with the purpose shown in Senator VANDENBERG's bill."

By Charles H. Dennis, editor Chicago Daily News:

"Senator VANDENBERG's bill, being a proposal to temper medievalism in judicial procedure with common sense, is entitled to receive careful consideration by Congress."

By G. B. Parker, editor Scripps-Howard newspapers:

"I think a person whose liberty is jeopardized by a contempt proceeding should be entitled to the same sort of trial as is granted any other defendant whose liberty is jeopardized, namely, trial by jury. While in my opinion that ought to be the ultimate law, nevertheless the Vandenberg proposal, by which a defendant may retire the judge who is an interested party in the procedure, is certainly a long step in the right direction.

"Nothing in the history of court proceeding is more fantastic than the present custom of a judge, such as Walther in the Cleveland case, sitting in trial on his own case and imposing sentence on those he himself has cited."

By Harold Stanley Pollard, editor New York Evening World:

"I am heartily in favor of the purpose of Senator VANDENBERG's bill amending the Federal Judicial Code. No judge should be at once complainant, judge, and sentencer in outside constructive contempt cases involving him personally. No judge should wish to be. The amendment would go far to lessen the grave injustices in present contempt proceedings affecting freedom of the press in this country."

By H. M. Crist, managing editor Brooklyn Daily Eagle:

"Senator VANDENBERG's bill appeals to me as fundamentally sound. Such an amendment is especially necessary in view of the pending extraordinary Cleveland case, where principles of simple justice are being outraged."

By Ernest Gruening, editor Portland (Me.) Evening News:

"In contempt proceedings the judge frequently ceases to be a judge and becomes, to a degree at least, a prosecutor and a partisan. Under such circumstances common sense and elementary fairness, as well as the ends of justice, are obviously best served by the substitution of another judge to pass on the contempt issue involved.

"Senator VANDENBERG's bill should, it seems to me, receive not only the support of the press but of the bar.

"It will tend to strengthen and uphold the majesty of the law by eliminating still further the element of human bias and prejudice."

By William T. Evjue, editor Madison (Wis.) Capital Times:

"I have always been opposed to the wide latitude given Federal judges in the exercise of contempt power. This power has been abused and leads itself to judicial autocracy. I am heartily in favor of Senator VANDENBERG's bill."

By H. J. Haskell, editor Kansas City Star:

"The Vandenberg contempt bill is a righteous measure. It is contrary to every instinct of fair play that an interested party, even if he be a judge, shall hear a case affecting himself except in the emergency of an attack made in open court where the course of justice is impeded. The present situation is intolerable. The procedure of the Vandenberg measure should be extended to the State judiciary."

By Col. Frank Knox, general manager Hearst newspapers:

"I thoroughly agree with Senator VANDENBERG both as to the unquestioned evil that exists, as is so well illustrated in Cleveland right now, and the remedy which he proposes.

"It is manifestly unfair and unjust to permit a judge to pass upon what constitutes contempt of his court when the basis for the complaint has to do with an attack upon the court outside of the court room and under conditions where the action of the court in punishing alleged contempt threatens to invade the proper freedom of the press.

"Such a reform as this, in my judgment, ought to be supported by every straight-thinking judge on the bench in the country. Certainly it should enlist the hearty support of every newspaper editor who holds his profession in the proper esteem."

By Louis I. Jaffee, editor Norfolk (Va.) Virginian-Pilot:

"The amendment sought by the Vandenberg bill, while nominally limiting the power of judges to protect the dignity and authority of their courts, is in fact directed to preserving the courts in the possession of those very attributes. Whatever tradition or usage may hold to the contrary, courts can not resort to practices that smell of oppression without in the end forfeiting the respect these practices are designed to insure.

"An act of disrespect to a court committed elsewhere than in the court's personal presence may be so wanton as to deserve condign punishment, but it is not likely that the moral effectiveness of the discipline would be impaired by shifting to some other judge than the one who feels himself aggrieved the duty of measuring the judicial affront and determining the punishment.

"The harsh punishment imposed on the editors of the Cleveland Press is but the latest flagrant example of a form of 'government by injunction' that in aggravated cases is indistinguishable from despotism. It is time to establish a sharp statutory distinction between contempt committed in the presence of the court and contempt occurring outside the judicial chambers, and to withdraw the latter category of invasions of judicial honor from the determination of the judge whose act is challenged.

"To allow a judge smarting under the sting of a real or imagined act of contempt to be sole judge of his injury in these long-distance contempt cases may be common law but it falls short of being common sense. The procedural shift proposed by the Vandenberg amendment is needed not only to curb a growing tyranny but to protect the courts in their dearest possession—public confidence."

By Boyd Gurley, editor Indianapolis Times:

"Unless one believes in the divine right of kings and traces the authority of our courts to the king's favor, he must indorse any proposal that takes from any judge the right to act as prosecutor and jury as well as executioner. That any judge, Federal or State, should retain arbitrary powers to punish those who comment upon his actions or his qualifications is unthinkable. No just judge would wish such powers; no judge who is concerned with respect for his court would exercise them, even if not forbidden.

"The necessity for the resolution suggests that there is a need for more vigorous comment. Its chief value should be in example. If the Federal laws set the pace, States may awaken to the necessity of curbing the elected puppets of corrupt political machines who occupy too many benches."

[From the Chicago Tribune]

This check upon the inordinate expansion of the judicial power in injunctive and contempt proceedings is moderate but is a step in the right direction. The use of contempt procedure to penalize criticism of judges is a flagrant abuse of power developed by the judiciary itself, though many judges recognize its impropriety and do not sit in proceedings in which, as Senator VANDENBERG says, they are both complainant and umpire.

That any official criticized should have the power to sit in a presumably impartial proceeding to determine whether the criticism which has offended him is contemptuous, and to fix its punishment, is itself offensive to justice. In the hands of unscrupulous judges it could be used as a powerful shield against exposure of corruption or incompetence.

It has, in fact, been used of late to punish quite legitimate comment upon judicial action, and if this abuse of power is successful it will restrict freedom of speech and of the press guaranteed to us in the Bill of Rights and always irksome and dangerous to dishonesty or inefficiency in government.

[From the New York Times]

SITTING IN HIS OWN CASE

Senator VANDENBERG, of Michigan, one of the clearest heads of the Senate, has introduced a bill providing for the substitution of judges in "indirect contempts" of court personal in their nature. He proposes to amend the Judicial Code so that a defendant in any proceeding on alleged contempt "arising from an attack upon the character or conduct of the judge," not made in open court, may file with the court a demand for the retirement of the sitting judge from the proceeding. The filing automatically produces that retirement and a new judge is designated. The demand must be filed before the hearing in the proceeding.

It is unnecessary to dwell upon the occasional abuses that have arisen in carrying out the doctrine of "constructive contempt," a dangerous extension of indirect contempt, or upon the fact that the freedom of the press has been the principal sufferer. To the layman it seems intolerable that a judge should sit in his own case, be at once complainant and judge, and rule upon and punish for a personal grievance. As Newton D. Baker has said, "The dignity of courts is not preserved by severity upon their critics but by the righteousness of their decisions." For personal attacks by newspapers the libel laws afford sufficient remedy. Senator VANDENBERG quotes this passage from a decision by Chief Justice Taft:

"The case before us is one in which the issue between the judge and the parties had come to involve marked personal feelings that did not make for an impartial and calm judicial consideration and conclusion, as the statement of the proceedings abundantly shows. We think, therefore, that when this case again reaches the district court to which it must be remanded the judge who imposed the sentence herein should invite the senior circuit judge to assign another judge to sit in the second hearing of the charge against the petitioner."

This voluntary substitution would be made compulsory by Mr. VANDENBERG's bill. Nobody's right is diminished by taking away the judge's privilege of vindicating his own virtue or satisfying, unconsciously, perhaps, his own vanity or anger. Perhaps it is too much to hope that Mr. VANDENBERG's amendment will be adopted in this session of Congress. Of its ultimate passage there should be no doubt. Sporadic judicial interferences with the liberty of the press this year show the imperative need of ending the evil before it spreads further.

PUBLIC LANDS IN ARIZONA

Mr. ASHURST. Mr. President, I have here a letter from the Arizona State Highway Commission respecting public lands in that State, and I ask that it may be read and referred to the Public Lands Committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

ARIZONA STATE HIGHWAY COMMISSION,
Phoenix, September 23, 1929.

Hon. HENRY F. ASHURST,
United States Senator, Washington, D. C.

MY DEAR SENATOR: The President of the United States recently proposed to the governors of the several Western States, at a conference held in Salt Lake City, that the United States convey to the Western States only the surface rights of lands located within each State and owned by the United States, reserving to the United States the mineral rights and other subsurface rights, as well as all forest lands and national parks.

In view of the fact that Arizona, in which are located the lands belonging to the United States, is isolated from the Pacific and Atlantic coasts by areas of barren, nonproductive, and nonirrigable lands, through which must be constructed and maintained modern highways, the Arizona State Highway Commission is unalterably opposed to the recommendation of the President of the United States. This recommendation would add additional tax burden upon the people of Arizona.

In the event such a recommendation is made to Congress we hope that you will do all within your power against any proposed legislation along this line.

With kindest regards we are, yours sincerely,

ARIZONA STATE HIGHWAY COMMISSION.
M. C. HANKINS, *Secretary*.

The VICE PRESIDENT. The letter will be referred to the Committee on Public Lands and Surveys.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BLACK:

A bill (S. 1774) to amend the World War veterans' act, 1924, as amended; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 1775) to amend the World War veterans' act, 1924, as amended; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 1776) granting a pension to Barbara Kelley; to the Committee on Pensions.

A bill (S. 1777) to remit the duty on a carillon of bells to be imported for the First Plymouth Congregational Church, Lincoln, Nebr.; to the Committee on Finance.

By Mr. GOULD:

A bill (S. 1778) granting compensation to George A. McDougall; to the Committee on Finance.

By Mr. BLAINE:

A bill (S. 1779) granting a pension to Ned Cunningham (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 1780) granting an increase of pension to Albert A. Widick (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 1781) granting a pension to Mantie Raines (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 1782) granting a pension to Garrett White Horses; and

A bill (S. 1783) granting a pension to Jennie Ross; to the Committee on Pensions.

By Mr. WAGNER:

A joint resolution (S. J. Res. 74) requesting the President to proclaim October 12 as Columbus Day for the observance of the anniversary of the discovery of America; to the Committee on the Judiciary.

CONSTRUCTION AT MILITARY POSTS—FORT D. A. RUSSELL, WYO.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 1665) to authorize appropriations for construction at military posts, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

DRY-CLEANING PLANT AT FORT BENNING, GA.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 1933) to authorize an appropriation for the construction, equipment, maintenance, and operation of a dry-cleaning plant at Fort Benning, Ga., which was referred to the Committee on Military Affairs and ordered to be printed.

PROPOSED INVESTIGATION OF LOBBYING ORGANIZATIONS

Mr. CARAWAY. Mr. President, I call up and ask to have read and immediately considered Senate Resolution 20 with a modification providing that the expenses of the investigation shall be paid out of the contingent fund of the Senate.

The VICE PRESIDENT. The clerk will read the resolution as modified for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 20) submitted by Mr. CARAWAY on April 22, 1929, as modified, as follows:

Whereas it is charged that the lobbyists located in and around Washington filch from the American public more money under a false claim that they can influence legislation than the legislative branch of this Government costs the taxpayer; and

Whereas the lobbyists seek by all means to capitalize for themselves every interest and every sentiment of the American public which can be made to yield an unclean dollar for their greedy pockets: Now, therefore, be it

Resolved, That a special committee to be appointed by the President of the Senate consisting of three members is hereby authorized.

Said committee is empowered and instructed to inquire into the activities of these lobbying associations and lobbyists.

To ascertain of what their activities consist, how much and from what source they obtain their revenues.

How much of these moneys they expend and for what purpose and in what manner.

What effort they put forth to affect legislation.

Said committee shall have the power to subpœna witnesses, administer oaths, send for books and papers, to employ a stenographer, and do those things necessary to make the investigation thorough.

All the expenses for said purposes shall be paid out of the contingent funds of the Senate.

Mr. CARAWAY. Mr. President, I want to ask unanimous consent for the immediate consideration of the resolution and I wish to make just a brief statement with reference to it.

The city of Washington swarms with associations and organizations that have nothing to sell but an idea. They filch money from patriotic organizations, from women's organizations, and from people who believe that legislation can be controlled in Washington, and the money is put into their own pockets. Whenever an investigation is had, it is amazing to learn of the character of the men or women who impose themselves upon the public as controllers of legislation. If the shipbuilders who contributed to Shearer's fund were to be judged by that act alone, we would be amazed that some court had not appointed guardians for them long ago.

It would be utterly impossible for anything of that kind to happen if we had some way to compel the man who is the recipient of their money to disclose that fact, how much he received, and what he does with it. That I have tried to control in a bill which I introduced and which passed the Senate without opposition but failed of passage in the House during the last session. An identical bill is now pending in the Senate.

The resolution which I have submitted undertakes in just a little different way to ascertain now just who it is here that is on the pay roll of somebody somewhere else in the United States. We want to find out who employed him, how much they have paid him, and what he has done with the money. I have in mind an association which consists of a president, a secretary, and a stenographer, with a salary roll that runs well up over $12,000 a year, and I venture the assertion that the whole force do not know five people in public life. They take money from people whom they have deceived all over the country.

We want to expose situations of that kind. My resolution would give a committee the power to do it. Publicity will do more to control lobbying than will any other thing. In the first place, no one would want to admit that he was hiring a lobbyist, and no lobbyist would be willing to disclose the source from which he received his money, because then it would advise the public of the fact and advise the employer just how much he was being buncoed out of what little he was contributing or however much he was contributing. This resolution will give us a chance to begin along that line, and I hope there will be no objection to its adoption.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CARAWAY. I yield.

Mr. WATSON. Did the Senator offer an amendment?

Mr. CARAWAY. I did, to the effect that the expense should be paid out of the contingent fund of the Senate.

Mr. WATSON. Of course, then, the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CARAWAY. Not necessarily.

The VICE PRESIDENT. Under the law, resolutions calling for the expenditure of money from the contingent fund of the Senate must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WATSON. Under the law such resolutions must be so referred.

Mr. CARAWAY. I know; but by unanimous consent we can agree to the resolution without such a reference.

Mr. WATSON. I do not think so.

Mr. CARAWAY. If the Senator wishes to object to the consideration of the resolution, very well.

Mr. WATSON. I do not want to object to the adoption of the resolution, because I am for it; but I understand, under the law, such resolutions must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CARAWAY. I am a member of that committee, and I know that sometimes such resolutions are not referred to that committee. Of course, if any Senator wishes to object to the immediate consideration of the resolution, that course will have to be taken.

Mr. WATSON. A parliamentary inquiry. What is the rule on that point, Mr. President?

The VICE PRESIDENT. The law provides that no money shall be taken out of the contingent fund of the Senate until the resolution providing for such expenditure shall be acted on by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WATSON. That is my understanding.

Mr. CARAWAY. Of course, we know that that course is not always followed, but if the Senator wishes to object to the consideration of the resolution it will have to go to the committee, and we can take no further steps at this time.

Mr. WATSON. The ruling on the question has already been made by the Chair.

Mr. CARAWAY. The Chair has stated that there is a law to that effect, but by unanimous consent the Senate can do whatever it pleases, whatever our action may be, but if some Senator objects to that course, very well.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. CARAWAY. I yield.

Mr. HEFLIN. I suggest to the Senator from Arkansas that he let the resolution take the course suggested by the Senator from Indiana [Mr. WATSON], with the understanding that he shall call it up to-morrow for action by the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AMENDMENT TO FLEXIBLE PROVISION OF THE TARIFF BILL

Mr. NORRIS. Mr. President, I desire now to submit an amendment which I expect to offer to the substitute amendment heretofore offered by the Senator from North Carolina [Mr. SIMMONS] to the pending tariff bill.

The VICE PRESIDENT. That order has not yet been reached, but without objection the amendment to the amendment will be received.

Mr. NORRIS. I wanted to have the amendment to the amendment printed and lie on the table.

The VICE PRESIDENT. Without objection, that will be done.

Mr. NORRIS. Because there has been some discussion about the subject matter of the proposed amendment to the amendment and because as soon as we resume consideration of the tariff bill the amendment to which I offer an amendment will be the pending question, I ask to have my amendment to the amendment read from the desk.

The VICE PRESIDENT. Without objection, the amendment to the amendment proposed by the Senator from Nebraska will be read.

The Chief Clerk read as follows:

Amendment intended to be proposed by Mr. NORRIS to the substitute offered by Mr. SIMMONS to the Smoot amendment to H. R. 2667, to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, viz: On page 2 of said Simmons amendment, at the end of line 23, insert the following:

"Any bill having for its object the carrying out, in whole or in part, of the recommendations made by the commission in any such report shall not include any schedules or items not included in such report; and in the consideration of such bill, either in the House of Representatives or in the Senate, no amendment thereto shall be considered which is not germane to the schedules or items included in such report."

The VICE PRESIDENT. The amendment to the amendment will be printed and lie on the table for the present.

REGULATION OF PUBLIC UTILITIES

Mr. WAGNER. Mr. President, I submit a resolution, which I send to the desk and ask that it may be read and immediately considered. I do not think there will be any objection to it.

The VICE PRESIDENT. Let the resolution be read.

The Chief Clerk read the resolution (S. Res. 124), as follows:

Whereas a special commission has been created under the laws of the State of New York for the purpose of investigating the regulation of public utilities therein, with power to recommend legislation; and

Whereas the Governor of New York, through the executive department of the State, has likewise undertaken an investigation into the entire power situation in that State, the result of which may have a profound effect upon the ascertainment of just and reasonable rates to consumers and reasonable and proper regulation of public-utility companies; and

Whereas the Federal Trade Commission, under authorization of a Senate resolution, is conducting an investigation of the financial and general operation of public-utility and power corporations throughout the United States, including the State of New York; and

Whereas the Federal Power Commission likewise has made extensive investigations and studies in the same field; and

Whereas the investigations and studies of these Federal agencies have resulted in the collection of statistics and other data relating to the operation and regulation of power and other utility corporations, access to which would be helpful to the New York commission aforesaid, as well as the investigation undertaken by the Governor of New York through the executive department of the State; and

Whereas the cooperation of the Federal Trade Commission and the Federal Power Commission with the New York State commission and the Governor of the State of New York would be in the public interest and would avoid the expense incident to unnecessary duplication of statistical and other data: Now, therefore, be it

Resolved, That the Federal Trade Commission and the Federal Power Commission are authorized and directed to extend to the New York State commission and to the Governor of New York and their duly accredited representatives and agents access to the exhibits, reports, and other documents secured in the course of their investigations and studies, the publication of which is not prohibited by law, and otherwise establish such cooperative contact as may be jointly advantageous to the inquiries which are being pursued by the aforesaid Federal commission, the Governor of New York, and the New York State commission.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. WATSON. Mr. President, what is the object of the resolution?

Mr. WAGNER. I ask to have read at the desk a letter addressed to me by Governor Roosevelt, of New York, in which he asks me to offer this particular resolution. Perhaps the letter will explain the purpose, or, if need be, I can elaborate it.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, September 27, 1929.

MY DEAR SENATOR WAGNER: In several messages to the legislature last winter I strongly recommended an investigation of the machinery by which the State of New York attempts to regulate public utilities, both in the matter of rates and general conduct, with a view to devising a method of effective control, and particularly in the case of what are known as "holding companies," which are at present immune from State supervision of any kind.

The legislature was in unanimous agreement with me as to the need of an investigation of this kind and, by statute, created a special commission for this purpose.

It is my hope that this commission will present a report which will be made the basis of further recommendations as to the regulation of public utilities, and I am securing all possible information and data from every source, both for the information of the commission and for my own information on the subject.

It has come to my attention that the Federal Trade Commission and the Federal Power Commission are in possession of data bearing on this matter which would be of very great value to the work we have undertaken in this State and which we could not secure without the expenditure of very large sums and a long delay, which would be most unfortunate, owing to the urgent need of improvement of our State system of public-utilities regulation.

I am further informed that to secure this data from the two commissions mentioned a Senate resolution is required, and I would greatly appreciate it if you would introduce such a resolution on behalf of the State of New York. Of course, we desire only such data and statistics as is proper for the commissions to afford us. It is also my hope that the work of our State commission and the additional data which I am securing will be of some service to the Federal commissions, and it is our wish to cooperate to the greatest possible extent on this great problem.

Very truly yours,

FRANKLIN D. ROOSEVELT.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WATSON. Mr. President, reserving the right to object, let me say that I did not understand the letter from the governor and the resolution submitted by the Senator from New York were of the same purport. I understood the resolution—I was interrupted somewhat during the reading—to direct the Federal Trade Commission to collaborate in the investigation with a commission of like character in the State of New York. I do not think that can be done.

Mr. WAGNER. No, Mr. President; that is not the purport of the resolution. It has no other purpose than to give the commission appointed by the governor and the legislature the advantage of information which has been acquired by the Federal Trade Commission in its investigation of public utilities. Some of the information is a matter of public record already, but some of the exhibits, while they are matters of public record, have not been printed, and in order that all that information to which the public is entitled may be available to the State commission I offer this resolution. I do not see any possible objection to it. It merely proposes to give the State commission the advantage, without having to adduce it all as a matter of testimony, the evidence and the exhibits which have already been collected and secured by the Federal Trade Commission. It is merely a labor-saving and money-saving device.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WATSON. Certainly I yield, if I have the floor.

Mr. WALSH of Montana. Mr. President, my attention has been called to the resolution and I can not, as the Senator from New York has stated that he can not, see any possible objection to it. Bear in mind that it is to be reciprocal in its operation. The State of New York will conduct an investigation, perhaps more specific and limited in its scope, but in a general way quite like that which is being conducted by the Federal Trade Commission. The thing is to be reciprocal. The Federal Trade Commission is to have access to any material which may be assembled by the New York commission, and it is proposed to give them access to anything which has been assembled by the Federal Trade Commission.

It will be borne in mind that the commission makes reports monthly of its hearings, but the hearings thus far have been confined almost exclusively to what is known as propaganda. However, the commission is now prepared, after a rather exhaustive investigation by its economics division, to go into the question of financing on the part of the public-utility corporations. Its economics division has accumulated a very considerable amount of information that would be of service to the investigation conducted by the New York commission, and doubtless from its point of vantage it will be able to accumulate information that will be of value to the Federal Trade Commission. It is intended to have the two work together.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. WATSON. I yield.

Mr. COUZENS. I should like to have the resolution go over for a day, I will say to the Senator from New York, because we have a matter before the Interstate Commerce Committee that I should like to look into before action is taken on the resolution.

Mr. WAGNER. Of course, if the Senator objects, as a matter of course the resolution will go over, but I can see no conflict or even any relationship between the request under this resolution and the work which the Interstate Commerce Committee is conducting or is about to conduct.

Mr. COUZENS. I assure the Senator that I will not hold up the resolution. I merely ask that it go over for the day.

Mr. WAGNER. Very well.

The VICE PRESIDENT. Under objection, the resolution will go over.

GEORGE A. CARRICK

Mr. WATSON submitted the following resolution (S. Res. 125), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate hereby is authorized and directed to employ George A. Carrick as a laborer to be paid out of the contingent fund of the Senate at the rate of $1,260 per annum until the end of the present Congress.

BURIAL IN EUROPE OF WORLD WAR SOLDIERS FROM COLORADO

[Mr. PHIPPS asked and obtained leave to have printed in the RECORD a list prepared by the Quartermaster General of the Army of Colorado's soldiers who lie buried in the American cemeteries of Europe. The list was printed in the RECORD of June 19, 1929, page 3316.]

BURIAL IN EUROPE OF WORLD WAR SOLDIERS FROM NEW HAMPSHIRE

Mr. KEYES. Mr. President, in response to my request, the Quartermaster General has furnished me with a list of the soldiers who enlisted from New Hampshire in the World War who made the supreme sacrifice for their country and who lie interred in permanent cemeteries in Europe. The list also shows the organizations in which they served. I ask that the list may be printed in the RECORD.

There being no objection, the list referred to was ordered to be printed in the RECORD, as follows:

KEY TO PERMANENT AMERICAN CEMETERIES IN EUROPE

FRANCE

No. 1232. Meuse-Argonne American Cemetery, Romagne-sous-Montfaucon, Meuse.

No. 1764. Aisne-Marne American Cemetery, Belleau, Aisne.

No. 34. Suresnes American Cemetery, Suresnes, Seine (near Paris).

No. 636. Somme American Cemetery, Bony, Aisne.

No. 608. Oise-Aisne American Cemetery, Seringes-et-Nesles, Aisne.

No. 1233. St. Mihiel American Cemetery, Thiaucourt, Meurthe-et-Moselle.

BELGIUM

No. 1252. Flanders Field American Cemetery, Waereghem, Belgium.

ENGLAND

No. 107-E. Brookwood American Cemetery, Brookwood (near London), England.

Deceased soldiers from New Hampshire buried in cemeteries in Europe

Name	Rank and organization	No.	Grave	Row	Block
FIRST DIVISION					
Wheeler, David E	1 lt. Med. Det., 16th Inf	1764	15	4	F
Kalivas, Christos N	Pvt. Co. C, 16th Inf	1232	26	18	A
Kubicki, Alojay	Pvt. Co. M, 16th Inf	636	2	19	C
Bailey, Harold E	Pvt. Co. C, 18th Inf	1232	11	45	B
Cram, Earl W	Pvt. Co. I, 18th Inf	1232	15	23	E

Deceased soldiers from New Hampshire buried in cemeteries in Europe—Continued

Name	Rank and organization	No.	Grave	Row	Block
FIRST DIVISION—contd.					
Gould, Frederick W	Pvt. Co. D, 18th Inf	1232	40	18	B
Heath, Everett M	Pvt. Co. B, 18th Inf	1232	27	46	C
Karveles, Ancatas	Pvt. Co. G, 18th Inf	1233	6	22	C
Larendeau, Harry H	Pvt. Co. C, 18th Inf	608	9	33	D
Whittier, Willis	Pvt. Co. L, 18th Inf	1232	2	13	F
Raza, Hypolite J	Pvt. Co. F, 26th Inf	1232	8	16	A
Sullivan, Edward J	Pvt. 1 cl. Co. F, 26th Inf	1233	2	23	B
Bouley, Eli	Pvt. Co. H, 28th Inf	608	9	8	C
Prauman, Charles F	Pvt. Co. C, 2d M. G. Bn	1232	12	31	A
SECOND DIVISION					
Meade, John P	Pvt. 1 cl. Co. F, 9th Inf	1232	18	1	D
Stefanski, Stanislaw	Pvt. Co. L, 9th Inf	1233	34	18	B
Fuller, Kenneth E	2d lt. Co. C, 23d Inf	608	3	17	A
Bush, George J	Pvt. Co. K, 23d Inf	1764	44	2	A
Carey, Austin H	Sgt. Co. M, 23d Inf	608	29	25	D
Doran, Charles P	Pvt. Co. K, 23d Inf	1232	21	2	F
Dusannki, Steve	Pvt. 1 cl. Co. I, 23d Inf	1764	37	1	A
Estes, Ray G	Pvt. Co. M, 23d Inf	1764	71	5	A
Fitzwilson, James E	Cpl. Co. M, 23d Inf	1764	29	2	B
Frost, Mike	Pvt. 1 cl. Co. D, 23d Inf	608	4	10	C
Johnson, Arthur G	Pvt. Hq. Co., 23d Inf	1233	23	28	D
Lemire, Arthur J	Pvt. 1 cl. M. G. Co., 23d Inf	1232	21	41	D
Maxwell, Earl R	Pvt. Co. K, 23d Inf	1232	15	40	E
Provencher, Wilfred R	Pvt. 1 cl. Co. H, 23d Inf	1232	19	37	D
Richards, Joseph L	Cpl. Co. C, 5 M. G. Bn	1232	7	24	C
Haas, Albert P	Pvt. Bty. C, 15th F. A	1233	2	14	A
THIRD DIVISION					
King, George E	Pvt. Co. F, 38th Inf	608	27	15	B
FOURTH DIVISION					
Thomas, William H	2d lt. Co. H, 47th Inf	1764	33	13	B
Hartshorn, Louis S	Cpl. Co. H, 58th Inf	1764	54	7	A
Lemke, Arthur R	Sgt. Co. D, 58th Inf	1232	32	18	H
Clark, Arthur J	Pvt. Co. D, 59th Inf	1764	70	11	A
FIFTH DIVISION					
Carignan, Joseph	Pvt. Bty. D, 21st F. A	1233	13	3	B
SIXTH DIVISION					
Wouters, Laurent	Pvt. Co. B, 318th Engrs	1232	29	30	B
Cox, Charles	Pvt. 20 Fld. Hosp., 6th San. T.	1232	30	10	D
TWENTY-SIXTH DIVISION					
Bemis, Frank O	Pvt. Co. E, 103d Inf	1764	60	1	B
Brewster, Claude J	Pvt. Co. M, 103d Inf	1233	3	29	D
Clougherty, Joseph	Pvt. 1 cl. Co. B, 103d Inf	1764	4	5	A
Coffey, James E	Pvt. Co. D, 103d Inf	1233	2	24	C
Dougherty, Christopher L.	Pvt. Co. F, 103d Inf	1764	42	2	A
Ferguson, James H	Pvt. Co. M, 103d Inf	1233	26	14	D
Harriman, Harry A	Pvt. Co. H, 103d Inf	1764	51	6	A
Holland, William H	Pvt. Co. I, 103d Inf	1232	27	12	A
La Bounty, Nelson A	Pvt. Co. H, 103d Inf	1764	36	10	A
Lemay, Victor	Pvt. Co. E, 103d Inf	1764	37	7	A
MacInnis, Robert	Pvt. Co. M, 103d Inf	1233	4	25	D
Masevich, Joseph A	Pvt. Co. F, 103d Inf	1233	5	13	D
Miller, Edgar E	Pvt. Co. C, 103d Inf	1764	61	10	A
Minatt, John E	Cpl. Co. H, 103d Inf	1232	4	22	A
Moulton, John H	Pvt. Co. F, 103d Inf	1764	60	3	A
O'Clair, Albert	Pvt. Co. D, 103d Inf	1764	38	12	A
Parr, George E	Cpl. Co. C, 103d Inf	1233	17	29	C
Payson, Charles H	Pvt. Co. E, 103d Inf	1764	40	10	A
Reddington, John J	Pvt. Co. B, 103d Inf	1764	83	3	A
Ricciardi, Rosario	Pvt. Co. G, 103d Inf	1764	43	12	A
Semonian, Sarkis H	Pvt. 1 cl. Co. I, 103d Inf	1233	22	5	B
Tatro, John H	Pvt. Co. M. G., 103d Inf	1764	28	8	A
Weld, Verne H	Cpl. Co. M, 103d Inf	1233	30	15	D
Wilson, Alexander E	Pvt. Co. E, 103d Inf	1232	33	18	G
Blair, Joseph E	Pvt. Co. E, 104th Inf	1233	21	25	C
Harpell, Carroll D	Sgt. Co. B, 103d M. G. Bn	1764	44	5	B
Humiston, John	Bug. Co. B, 103d M. G. Bn	1233	4	13	B
Johns, David	Pvt. 1 cl. Co. B, 103d M. G. Bn.	1764	63	1	A
Roy, Ludger	Pvt. Co. C, 103d M. G. Bn	1232	6	33	E
Bacon, Willie J	Pvt. Bty. B, 103d F. A	1233	10	16	B
Makris, Apostoles N	Pvt. Bty. F, 103d F. A	1233	19	6	C
Covey, Earl A	Cpl. Co. D, 101st Engrs	1764	53	11	A
Connell, Andrew F	Sgt. 101st Amb. Co., 101st S. T.	1233	30	17	C
Kelley, Arthur P	Sgt. 103d Amb. Co., 101st S. T.	1233	27	1	D
TWENTY-EIGHTH DIVISION					
Melnik, Alexander	Pvt. Co. G, 110th Inf	608	12	16	A
Badger, Armond J	Pvt. 1 cl. M. G. Co., 112th Inf.	1233	35	2	C
McLaughlin, Thomas D.	Pvt. Co. A, 100th M. G. Bn	1232	18	14	E
THIRTY-SECOND DIVISION					
Fountain, William F	Sgt. Co. D, 126th Inf	608	28	16	A
Call, Ernest J	Pvt. Co. H, 127th Inf	608	8	29	C
Merrill, George E	Cpl. Co. H, 128th Inf	1232	17	3	C
Partridge, Merrett E	Cpl. Hq. Co., 128th Inf	1232	35	36	F

Deceased soldiers from New Hampshire buried in cemeteries in Europe—Continued

Name	Rank and organization	No.	Grave	Row	Block
THIRTY-SEVENTH DIVISION					
Moore, Frank O	Pvt. Co. I, 147th Inf	1232	5	3	A
Parent, Fabien	Pvt. Co. C, 147th Inf	1232	22	24	C
SEVENTY-SIXTH DIVISION					
Cote, William E	Pvt. Co. I, 301st Inf	1233	8	26	A
Garrett, Henry J	Pvt. Co. D, 303d Inf	1233	33	7	A
Emerson, Lloyd F	Cook Hq. Co. 301 F. S. Bn	1233	8	29	A
SEVENTY-EIGHTH DIVISION					
Brennan, Wm. F	Pvt. Co. L, 309th Inf	1232	29	39	G
Brunell, Alba F	Pvt. Co. B, 309th Inf	1232	25	23	C
Currie, Arthur W	Pvt. Co. I, 309th Inf	1232	8	40	G
Eastman, Wesley M	Pvt. Co. B, 309th Inf	1232	1	25	B
Fifield, Henry A	do	1232	9	9	D
Goyer, Josaphat O	Pvt. Co. K, 309th Inf	1232	8	40	F
Hassotis, Eftathios	Pvt. 1 cl. Co. G, 309th Inf	1232	23	23	C
Hooper, Don S	Pvt. Co. K, 309th Inf	1232	36	23	C
Pierce, Louis A	Pvt. Co. C, 309th Inf	1232	6	15	B
Roleau, Joseph	do	1232	13	36	F
Southmayd, Wm. B	do	1232	24	19	D
St. Hilaire, Emile	Pvt. Co. H, 309th Inf	1232	17	13	B
EIGHTIETH DIVISION					
Cooper, Ray E	Wag. Amb. Co. 320, 305 S. T	1232	12	30	A
EIGHTY-SECOND DIVISION					
Dutton, Harold L	Cpl. Co. D, 325th Inf	1232	15	1	A
Griggs, Roy H	Pvt. Co. F, 325th Inf	1232	6	17	C
Kameras, John G	Pvt. Co. C, 325th Inf	1232	19	20	G
LaGasse, Albert J	do	1232	18	10	E
Lavigne, Arthur J	Pvt. Co. I, 326th Inf	1233	6	3	B
Moriarty, John M	Pvt. Co. E, 326th Inf	1232	1	6	E
Flynn, James B	Pvt. Co. C, 328th Inf	1232	2	20	A
Staples, Herbert E	Cpl. Co. B, 321st M. G. Bn	1232	11	37	E
EIGHTY-NINTH DIVISION					
Finlayson, Allan	2d lt. Co. I, 353d Inf	1232	2	44	A
NINETIETH DIVISION					
Jacob, Arthur O	Pvt. Co. B, 358th Inf	1233	25	19	D
Hill, Hugh C	Cpl. Co. K, 359th Inf	1233	10	15	B
NONDIVISIONAL					
Fortier, Napoleon	Pvt. Co. 8, Prov. Repl. Bn	34	13	13	B
Beauclerk, Sydney W	1st lt 12th Aero Squadron	1232	10	36	B
Borland, Robert M	Pvt. Bty. E, 43d Art. Regt. C. A. C.	1232	14	6	H
Holmes, William S	Pvt. 1 cl. Bty. C, 57th C. A. C.	1232	28	34	H
Reid, Otis Charles	Pvt. Bty. A, 65th C. A. C	608	22	42	D
Murphy, Teresa M	Nurse, Hq. Base Sec. 3, M. C.	107-E	6	5	B.
Niding, Joseph	Pvt. 3d Prov. Lab. Co	608	8	35	B
Lorick, Edward W	Pvt. Co. B, 546th Engrs	107-E	9	1	D

AVIATION INVESTIGATION

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, being Senate Resolution 119, submitted by the senior Senator from New Mexico [Mr. BRATTON] on the 17th instant. The resolution has already been read.

Mr. McNARY. Mr. President, I should like to have the resolution read at this time.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 119), as follows:

Whereas the airplane *City of San Francisco*, owned by the Transcontinental Air Transport (Inc.), while engaged in interstate air commerce, was wrecked near Mount Taylor, in the State of New Mexico, September 3, 1929, resulting in the death of eight persons; and

Whereas in recent years other airplanes engaged in such commerce have been wrecked, resulting in the loss of lives; and

Whereas it is imperative that life and property transported through interstate air commerce should be accorded the greatest degree of safety obtainable through the use of every reasonable safeguard; and

Whereas certain persons, firms, or corporations engaged in interstate air commerce, as defined by the act approved May 20, 1926, have established and now maintain interlocking relations with railway companies in the transportation of persons and property for hire between points within States, Territories, or the District of Columbia and points outside thereof: Therefore be it

Resolved, That the Senate Committee on Interstate Commerce be, and it hereby is, authorized and directed to collect, collate, coordinate, and make available to the Senate at the earliest convenient time all the facts relating to the wreck of the airplane *City of San Francisco* and all other accidents and wrecks of airplanes engaged in interstate air commerce in which lives have been lost. The Secretary of Commerce is requested to furnish the Senate copies of all records and other information in his possession pertaining to such accidents and wrecks. Said committee is further authorized and directed to investigate (1) into the cause or causes of each of such accidents; (2) the adequacy of present standards of safety in the construction of airplanes used and engaged in such commerce or designed for such use; (3) the kind, character, degree, and adequacy of present standards of safety in the operation of such airplanes; (4) the degree, adequacy, and efficiency or supervision, including frequency of inspection and other safeguards employed in relation to such airplanes; (5) whether additional landing facilities, more frequent weather reports, or other additional safeguards should be employed in connection with the operation of such airplanes; (6) whether persons, firms, or corporations engaged in transporting for hire, persons or property, or both, between points within a State, Territory, or the District of Columbia and points outside thereof, are common carriers; (7) what legislation, if any, should be adopted in the interest of safety of such interstate air commerce; (8) the feasibility or advisability of placing those engaged in such commerce under the supervision of the Interstate Commerce Commission, and, if so, the kind and character of legislation needed to accomplish that result.

SEC. 2. For the purposes of this resolution, such committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, sit and act at such times and places during the sessions or recesses of the Senate during the Seventy-first and succeeding Congresses, until a final report is submitted; to employ such counsel, experts, clerical, stenographic, and other assistants, and to require, by subpœna or otherwise, the attendance of witnesses, the production of books, papers, and documents, to administer oaths, take testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, not to exceed the sum of $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. BRATTON. Mr. President, while the resolution makes specific reference to a particular tragedy which recently occurred, the thing in which I am most interested is to obtain a thorough investigation into the economic phases and extent of development of interstate air commerce. That, Mr. President, is one of the most rapidly growing industries in the country. It may be well to supply some data in relation to the growth the industry has enjoyed and the point it has now reached.

The act governing interstate air commerce was passed in 1926. I think I speak with substantial accuracy when I say that up until that time we had virtually no legislation bearing upon the subject. That act vested the supervision and regulatory power, such as it was, in the Department of Commerce, and it has been administered by that department since then. But, Mr. President, the industry has grown remarkably fast since that time. It has acquired a status or veered in a direction which no one contemplated at that time; that is, its assocation with railway transportation.

At present, Mr. President, there are 47 different companies engaged in interstate air commerce. I hold in my hand a list of those companies, and ask that it be printed in the RECORD as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

[See Exhibit A.]

Mr. BRATTON. I may say here, Mr. President, that at the close of the year 1928 only 35 American companies were engaged in interstate air commerce. The industry has grown 33⅓ per cent during this year over its entire progress made up to the close of 1928, thus indicating its remarkable expansion. There are 5,475 planes duly licensed to engage in interstate commerce. The department advised me that it is impossible to say the exact number of those planes actually engaged in flying between interstate points; but 5,475 planes have been licensed and are now authorized to engage in interstate commerce. I think it is fair to say that virtually all of them are so engaged—47 companies operating 5,475 planes.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Connecticut.

Mr. BRATTON. I yield to the Senator from Connecticut.

Mr. BINGHAM. Will the Senator tell us how he knows that these 47 companies operate something over 5,000 planes?

Mr. BRATTON. Yes, Mr. President. For the information of the Senator from Connecticut I read from a letter written by the Department of Commerce dated September 28, and addressed to me, in which it is said:

With reference to your telephone request from your secretary this morning, I am pleased to give you the following information:

(1) Number of active licensed planes engaged in interstate commerce, 5,475.

Mr. BINGHAM. Yes, Mr. President; but that means that that number of planes are licensed to engage in interstate commerce; does it not?

Mr. BRATTON. That is what I said.

Mr. BINGHAM. But it does not mean that all those planes are operated by one of the 47 companies.

Mr. BRATTON. I have inserted in the RECORD a list showing the companies that are licensed and have certificates to engage in interstate air commerce. That list was furnished me by the Department of Commerce. I now have a letter saying that the planes total 5,475.

Mr. BINGHAM. But, Mr. President, the Senator does not think, does he, that all planes licensed to take part in interstate commerce are operated by one of these companies?

Mr. BRATTON. I did not say that.

Mr. BINGHAM. I understood the Senator to say that these 47 companies operate five thousand and some odd planes.

Mr. BRATTON. I said that there are 47 companies authorized to engage in that business, and that there are 5,475 planes licensed for use in such business. Of course if the Senator suspects that other companies have from $50,000 to $75,000 each invested in a large number of planes not engaged in business he can draw that inference; but I do not indulge it at all.

Mr. BINGHAM. Does the Senator know how many planes these 47 companies have?

Mr. BRATTON. No, Mr. President.

Mr. BINGHAM. I thought the Senator stated a few moments ago, and I think the RECORD will bear me out, that these 47 companies are operating 5,000 planes; and I asked the Senator how he knew that fact.

Mr. BRATTON. No; I said and now repeat for the benefit of the Senator from Connecticut, that, according to the information furnished me by the Department of Commerce there are 47 companies engaged in interstate air commerce, and that there are 5,475 planes licensed to be used in interstate commerce.

Mr. BINGHAM. Does not the Senator know that most of those planes are privately owned, or operated by companies like oil companies, or companies engaged in selling merchandise, and that they engage in interstate commerce without any reference to what is ordinarily called air transport; and, furthermore, that all planes which are licensed by the Department of Commerce are licensed to take part in interstate commerce, whether or not they do so?

Mr. BRATTON. At any rate, Mr. President, they are authorized to engage in the business. In each case they have gone to the pains of applying for a license to engage and operate the plane in interstate commerce.

Mr. President, there are 7,871 licensed pilots—that is, pilots holding licenses issued by the Department of Commerce to engage in operating planes in interstate commerce.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico further yield to the Senator from Connecticut?

Mr. BRATTON. Let me say to the Senator from Connecticut that I prefer to finish my remarks, and then I will submit myself to any questions he may desire to propound.

There are 7,871 licensed pilots; and of that number 4,250 hold what are called transport pilots' licenses.

Now, Mr. President, it may be profitable to turn our attention for a moment to the volume of business done by these companies.

I have already said that up to the close of last year there were 35 companies authorized to engage in the business. During last year the total miles flown was 10,673,450. The average of daily miles flown was 29,659.

I want to call attention at this point to the fact that to-day the average daily schedule in miles is 78,721, showing that the industry has grown in daily scheduled miles almost 200 per cent during this year.

In 1928 the total number of passengers flown was 49,713. The amount of express transported was 1,848,156 pounds. The amount of mail transported was 4,063,173 pounds. The total amount paid for the transportation of mail during 1928 was $7,432,720.86.

These facts indicate to some extent the volume of business that is being done by the aviation companies. It is enormous.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. McNARY. Has the Senator data indicating the number of passengers actually carried by the licensed companies operating airplanes?

Mr. BRATTON. The number of passengers flown last year was 49,713. The average miles per day flown last year was 29,659. The daily schedule to-day is 78,721 miles. That shows that the industry has increased on a mileage basis almost 200 per cent during this year. I do not have the exact figures as to the average number of passengers flown per month, or the total number flown month by month, but I think it may be assumed that the increase in the number of passengers flown will show the same proportionate increase as that presented by the increase in mileage.

Mr. McNARY. A few moments ago the able Senator said that there were 5,475 airplanes operating under licenses. How many of those planes are carrying passengers?

Mr. BRATTON. That I do not know. There are 47 companies engaged in the business. There are 5,475 planes licensed and authorized to transport passengers. The department says this in that connection:

> This is the number of active licenses in effect on September 21, 1929. All these planes are entitled to engage in interstate commerce as defined by the air commerce act of 1926. It is impossible to give an accurate estimate as to the number of planes actually so engaged.

The Senator will observe that the department was unable to supply me with that information.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield further to the Senator from Oregon?

Mr. BRATTON. I yield.

Mr. McNARY. In answer to the question I propounded, the Senator stated the number of passengers annually carried, specifying those carried in the current year. Has the Senator data showing the number of accidents which occurred in the carrying of those passengers?

Mr. BRATTON. Yes; Mr. President, I have a list of them covering the period from January 1, 1927, to September 21, 1929, during which time there were 26 accidents in which fatalities occurred. A total of 24 pilots and 30 passengers lost their lives in those accidents. The name of the company, the place at which the accident occurred, and the date are given in each case. Perhaps, to make the record complete, Mr. President, it is advisable to have this list printed as an appendix to my remarks, and I request that it be so printed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. [See Exhibit B.]

Mr. McNARY. Mr. President, does that include the accident to which this resolution has reference?

Mr. BRATTON. It does.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. JOHNSON. Will the Senator do me the kindness to yield to a query? I may be called out, and I want to set at rest in the minds of some of those interested in aircraft in the State of California just exactly the purpose of this resolution. I am in receipt of two telegrams—one from William A. Garland, of Los Angeles, the other from George B. Cameron, of San Francisco, both of whom are very greatly interested in aircraft production, and the like. From their telegrams, it seems to me, they labor under the delusion that the purpose of the Senator's resolution is to put all aircraft under the Interstate Commerce Commission. I have wired them that the resolution is purely of an investigatory character and provides only for an investigation of the accident alluded to in the resolution, that then it provides for an investigation of other facts upon which ultimately legislation might be based, and that it is of no other character whatever. Am I correct in that, or am I not?

Mr. BRATTON. That is correct. The resolution directs the committee to inquire in detail into the facts of the accident referred to, and others, and to supply the Senate with the information in respect of certain economic phases, for instance, the kind and character of supervision exercised over planes engaged in commerce, the frequency with which they are examined, and so forth. The question of rates is involved. The resolution also directs the committee to report whether it is advisable to put the industry under the supervision of the Interstate Commerce Commission; and if so, to report the kind of legislation expedient for that purpose.

Mr. JOHNSON. But the present purpose of the resolution is wholly for investigation?

Mr. BRATTON. Exactly; nothing more.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. FLETCHER. As the Senator has said, this whole subject is vested under the law now in the Commerce Department. All the information the Senator has submitted to the Senate to-day comes from the Department of Commerce.

Mr. BRATTON. Yes.

Mr. FLETCHER. That department has the data and is authorized to take charge of the subject, and has done all that has been done in connection with the administration of the law relating to the subject. The committee of the Senate which looks after matters involving the Department of Commerce is the Committee on Commerce. Why should the Senator not have this resolution referred to the Committee on Commerce instead of to the Committee on Interstate Commerce?

Mr. BRATTON. Because, Mr. President, the resolution deals entirely with interstate air commerce. I think that all interstate commerce, whether it be by rail, express, air, or otherwise, should be under the supervision of the Interstate Commerce Commission. That is one of the purposes I have in mind, and I may say to the Senator that it perhaps is the major matter in mind, to change supervision of interstate air commerce from the Department of Commerce to the Interstate Commerce Commission.

Mr. FLETCHER. Mr. President, the Senator hopes to transfer jurisdiction of this entire matter to the Interstate Commerce Committee, and to have the Interstate Commerce Committee pass on the questions involved. In other words, he seeks to have the Interstate Commerce Committee decide whether the Interstate Commerce Commission should have charge of the subject. It seems to me that in order to get at the facts and the data necessary to make a thorough investigation of this whole matter, we ought to proceed under the law as it is, and that the Committee on Commerce is the proper committee to handle the subject.

Mr. BRATTON. Mr. President, it occurs to me that if the resolution is sound in logic, the whole industry should be governed as one in interstate commerce. If so, it would come within the jurisdiction of the Committee on Interstate Commerce. I know that it is urged by one or two on the other side of the aisle that the resolution should be referred to the Committee on Commerce. Without being at all unfriendly to that suggestion, I think it should be referred to the Committee on Interstate Commerce, consequently I drew the resolution accordingly.

Mr. McNARY. Mr. President——

Mr. BRATTON. No one contemplated the close association which some of these companies have established with railway companies. I propose, after I yield to the Senator from Oregon, to address myself briefly to that phase of the matter. I now yield to the Senator.

Mr. McNARY. I was interested in the answer made by the Senator to the inquiry propounded by the Senator from Florida [Mr. FLETCHER].

I had not understood the purpose of the resolution to be to change the custom or rule which for a long time has obtained in this body. Since the formation of this body all matters arising over which the Department of Commerce has jurisdiction, whether resolutions or bills, have been referred to the Senate Committee on Commerce. Whether that practice has been right or not, it is an unbroken practice. I inquire whether the purpose of the Senator by this resolution is to change the jurisdiction of committees that have existed here for 153 years?

Mr. BRATTON. No; it is my purpose, though, to change one particular branch of the subject; that is, that part confined exclusively to interstate commerce, and to place it under the jurisdiction of the Interstate Commerce Commission. I think that is sound procedure.

Mr. McNARY. That can be done only after a bill has been passed.

Mr. BRATTON. That is perfectly obvious.

Mr. McNARY. If it is necessary for us to legislate in regard to interstate transportation, the measure to that end should go to the Interstate Commerce Committee, but this is not for that purpose, as I understand it. There is no regulatory provision in this resolution. It is simply a resolution to ascertain facts in the possession of the Secretary of Commerce. Consequently, if it is for the purpose of finding facts now in the possession of the Department of Commerce, only one committee of this body has jurisdiction, and that is the Committee on Commerce, and the resolution should properly be referred to that committee. In my opinion, Mr. President, it is the duty of the Vice President to refer it to the committee having jurisdiction. I can appreciate the position of the Senator. If it were a measure proposed to be enacted into a statute affecting interstate commerce, it would be referred to the Committee on Interstate Commerce, but this is a resolution aimed at obtaining facts from a department all of whose activities, in a legislative way, are handled by the Committee on Commerce, and to that committee properly the resolution should be referred.

Mr. BRATTON. Mr. President, the resolution calls on the committee to report the legislation necessary to carry out the suggestion, namely, that the entire industry be transferred to the Interstate Commerce Commission for regulatory purposes.

I was saying, at the time the Senator from Oregon interrupted, that some of the air companies have established a close relationship with railway companies. I read from an article which appeared in the August issue of Air Travel News, written by Maj. C. E. McCullough, general passenger agent for the Pennsylvania Railroad Co., in which he said:

"Linking rail and air transport," an expression now commonly in use as indicating the coordination of rail lines with commercial airways, is more than a mere term. It expresses in a few words the progressive action of the railroads in forging a new link in the chain of ever-improving transportation throughout the United States. It is most appropriate that the railroads of the United States should enter the commercial aviation field. They were the chief factors in the development of this country, through providing and constantly improving our transportation facilities.

Later in the same article he continued:

The airplane, as a new means of speedier commercial transportation, is definitely with us. Its possibilities are being recognized, and its aid in our future progress is firing the imagination. Progress can not be stopped; we must keep abreast of it, or forfeit our place to others in the race. Hence, the plane is being harnessed to the iron horse, and the Pennsylvania Railroad, leading the way for other railroads, has taken the first steps toward linking rail and air transport. These first steps are through the means of coordinated rail and air service, in connection with Transcontinental Air Transport (Inc.) for an ocean-to-ocean service which will make possible the trip across the continent in 48 hours, instead of 4½ days or 24 days.

Transcontinental Air Transport (Inc.) will be organized along lines quite similar to the organization plans of the larger railroads. For example, in addition to the executive officers, such as president, vice president, and general manager, there will be a general superintendent and division superintendents, constituting the operating department. The pilots will receive their orders from the division superintendent. The field managers can be likened, in railroad comparison, to a combination of master mechanic and station master. The traffic department will be in charge of a general traffic manager, and for purposes of convenient administration, the country has been divided into three regions, with a traffic manager in charge of each. As for example, the eastern traffic manager will be located in New York City, the central traffic manager in St. Louis, Mo., and the western traffic manager in Los Angeles, Calif. These traffic managers will have under their jurisdiction certain prescribed territories, and men in charge of certain specific traffic work, with the titles of division traffic agents, traffic agents, and passenger representatives, whose duties will be the sale of this new and more rapid mode of transportation to the traveling and shipping public.

In this connection I have on my desk a souvenir issued by the Interstate Air Commerce Co. showing one continuous route from New York to San Francisco, indicating travel by the Pennsylvania Railroad lines from New York to Columbus, Ohio, by plane from Columbus to Waynoka, Okla., by the Santa Fe Railroad from Waynoka, Okla., to Clovis, N. Mex., and by air from Clovis, N. Mex., to Los Angeles, and thence to San Francisco. This links the railroad company and the plane company. There can be no doubt that air transportation is being employed by some of the larger railroad companies as a subsidiary to their rail transportation. It is being used as an indirect means of extending their transportation facilities.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. BRATTON. I yield.

Mr. McNARY. The map to which the Senator has referred is of the Pennsylvania system. Is it not true that other lines are operating airplanes in connection with railroad service, too?

Mr. BRATTON. I have been told so, but I do not state it authoritatively. I firmly believe it is true.

Mr. McNARY. Does the map indicate just the one line?

Mr. BRATTON. The one line. I should be glad if the Senator will look at it. The map indicates the one line from New York to Columbus, Ohio, by way of the Pennsylvania, and another line, also the Pennsylvania, beginning at Washington, the two lines joining at Harrisburg and running from there to Columbus, indicating clearly that the Pennsylvania line is the route to be used either from New York or Washington. No other line is even suggested.

Mr. McNARY. That is the line of operation of the plane that was destroyed about a month ago, when it crashed against Mount Taylor.

Mr. BRATTON. Yes.

Mr. McNARY. I have understood that the New York Central and the Michigan Central contemplate operating an air line in connection with train service at a very early date. Indeed, a few days ago a very large plane, built by the Fokker Co., capable of carrying 30 passengers, was over at Bolling Field, and I think was operated over the city of Washington. It is to be operated, if I am correctly informed, in connection with the New York Central system.

Mr. BRATTON. That is my information also, and I have no doubt respecting its accuracy.

Mr. McNARY. But that does not show on the map to which the Senator has called attention?

Mr. BRATTON. No. This is a map made and distributed by the T. A. T. Co. showing its connection with the Pennsylvania Railroad line, as I have indicated. The point I am endeavoring to develop now is that commercial aviation is being employed by railroad companies to extend their transportation facilities, and that the companies are so interlocked that they constitute one system of interstate travel.

In connection with that I desire to call to the attention of the Senate a statement that was made at a recent convention held in Kansas Ciy attended by a large number of executives of transportation companies, the general purport being that the whole trend is an interlocking relationship between aviation companies and railroad companies involving every phase of interstate travel. I invite attention to a statement made at that convention by Mr. C. W. H. Smith, general traffic manager of the Western Air Express Co. He said:

Larger and better airplanes will provide the one essential requirement for air express business. The development of aircraft will be advanced sufficiently to permit air express to be handled at railroad rates with far speedier delivery.

The establishment of the air mail by the Government laid the corner stone of commercial aviation in the United States. Revenues derived from the transportation of air mail have been the chief means of support of the leading air transport companies, but the air mail service has reached its peak. In the near future we must expect to make our revenue from greater loads hauled at lower costs.

The combination of dawn-to-dusk passenger-plane service with rail connections for night travel is one of the most important economic developments in the air transport industry in the last year.

The industry is taking that trend, Mr. President, and against it I make no complaint. It seems to me to be inevitable that it should take that turn. The point I endeavor to stress is that, inasmuch as the air companies are a part of interstate travel, are linked with railroad companies and, in certain instances, are owned in whole or in part by railroad companies and are mere subsidiaries of railroad companies, the whole system should be brought under the supervision of the Interstate Commerce Commission. To me it is unthinkable that one continuous system should be divided so far as regulation is concerned, the rail part being supervised by the Interstate Commerce Commission and the air part by the Department of Commerce.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. BRATTON. I gladly yield to the Senator from Oregon.

Mr. McNARY. I have no quarrel with that position. I think it is very logical; but that is not the purpose of the resolution. I think ultimately if we are to have a further development in the field of aviation regulation will follow and properly must be administered by the Interstate Commerce Commission. That is a thing on which the committee should report. The Senator asks to have it reported to this body. I think the Senator is anticipating legislation from the viewpoint he occupies in presenting the argument to the Senate.

Mr. BRATTON. Yes; I may say to the Senator, that I am engaged now in an effort to prepare a bill to that end.

Mr. McNARY. But the Senator is presenting his matter as though ultimately we shall decide to regulate aviation.

Mr. BRATTON. If I did not think so, I would not waste time arguing the matter here.

Mr. McNARY. If that is true then the bill should be presented conferring jurisdiction on the Interstate Commerce Commission. The logic of the Senator's position is that he is arguing the wisdom of regulation by the Interstate Commerce Commission of aviation in connection with train transportation, about which possibility there could not be any controversy if it were before the Senate. But the resolution of the Senator is a fact-gathering resolution. Then to what committee should it be referred? The weakness of the Senator's position is that he is talking about the merits of a statute while at the same time we have before us for consideration of the Senate a resolution to gather facts. If the Senator will get down to his resolution and discuss it I shall be very happy to submit a rew remarks at the conclusion of his presentation.

Mr. BRATTON. Mr. President, in anticipation of the pleasure of hearing the Senator from Oregon I shall endeavor to make my remarks brief. With his indulgence I shall proceed to discuss the matter as I have it in mind. I am undertaking to lay before the Senate the status the industry occupies now, for the dual purpose of determining whether all relevant facts should be ascertained and whether legislation is reasonably needed.

It would be wholly illogical to say, with no basis of ascertained facts upon which to rest it, that we want to pass a bill. I appreciate the suggestion made by the Senator from Oregon and have given considerable thought to the matter to which he refers. The resolution is in order. I think it should go to the Committee on Interstate Commerce and consequently have drawn it in that way. The Senate may differ with me. The Senator from Oregon may be entirely right about it and it may be referred to the Committee on Commerce, in which event I know that committee will do its duty well.

Mr. McNARY. I want to say to the Senator from New Mexico that I have no choice in the matter. I should like to see our practice followed and adhered to unless there is very substantial reason for departing from it. I think if the Commerce Committee should propose legislation in this connection it should go properly to the Committee on Interstate Commerce.

Mr. BRATTON. Will the Senator kindly repeat that statement?

Mr. McNARY. If the Senator should introduce a bill providing for regulation, it should go to the Interstate Commerce Committee. But the Senator is only asking the Department of Commerce to supply certain facts in its possession.

Mr. BRATTON. Oh, no.

Mr. McNARY. What else has the Senator in his resolution?

Mr. BRATTON. There is contained in the resolution a provision that the committee shall inquire into all phases of the subject matter, not confining themselves to the Department of Commerce as a source of information; and then report to the Senate the character of legislation that is needed in order to accomplish the purpose.

Mr. McNARY. But the basis of the committee's action would be the data in the possession of the Department of Commerce?

Mr. BRATTON. There is no doubt of it to a certain extent.

Mr. McNARY. And such data as the Department of Commerce could gather in a further investigation, so the source of all the information is from one department, and there is one committee of the Senate provided by the practice and rules of the Senate to look into such matters, and that is the Commerce Committee. That is the weakness of the Senator's position. I do not quarrel with his discussion of ultimate facts. Upon the ultimate facts we are in accord. Upon the question of practice I am quite in disagreement with the Senator—a kindly disagreement.

Mr. BRATTON. It always grieves me to find myself at variance with the Senator from Oregon. There is no man in this body whose judgment I respect more than I do his. But I am not in accord with him on this particular matter. I understand his position and I think he understands mine.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Florida?

Mr. BRATTON. I yield.

Mr. FLETCHER. Does not the Senator think it is fair that the resolution now pending should be referred to the Committee on Commerce? I certainly think it right that it should go to the Comimttee on Commerce and let that committee decide whether or not it recommends the passage of the resolution. I think the first step would be to refer the Senator's resolution to the Committee on Commerce.

Mr. BRATTON. No, Mr. President; I think it should go to the Committee on Interstate Commerce.

Mr. FLETCHER. I am not talking about the work to be done. I am talking now about the resolution itself. The resolution provides that the Committee on Interstate Commerce is authorized and directed to do certain things, but the resolution now in my judgment ought to go to the Committee on Commerce because that is the only committee that has possession of the facts and that has jurisdiction over the subject. If that committee reports back in favor of the resolution, then the resolution should be adopted, placing the matter in the hands of the Interstate Commerce Committee.

Mr. BRATTON. Mr. President, if the industry is to be regulated as one engaged in interstate commerce it is a function properly to be administered by the Interstate Commerce Commission. At present the Department of Commerce has no jurisdiction in certain important features of the premises. As I understand the law of 1926, the extent of the jurisdiction of the Department of Commerce is to examine planes in advance of their construction; that is, to examine the plans and specifications of materials and workmanship. Then, when they are constructed, they are examined with reference to air worthiness; thereafter they are examined from time to time with respect to being air worthy; pilots are examined with reference to their competency; but there the jurisdiction of the Department of Commerce ceases. It has no power to determine whether air lines should be established; it has no power to compel their continuance or discontinuance; it has no jurisdiction over schedules; it has no jurisdiction over many other important features of the industry. All it can do is to approve or condemn airplanes for air worthiness and to examine them periodically with that determination in view.

It has no jurisdiction to determine whether securities should be issued by companies engaged in the business or whether ownership or a controlling interest of one line be vested in other lines, whether they are competing or otherwise. All of those are matters over which the Department of Commerce has no jurisdiction; indeed, no department of the Government has jurisdiction over them. They are wholly unregulated; they are wholly unsupervised in that particular. There should be some control over the issuance and sale of such securities. My attention has been called to some articles appearing in various magazines advocating the purchase of securities in these companies. This is done with no supervision over their issuance, as to extent, value, or safety as an investment. There is no regulation as to the connection or relationship among various companies. One may own or control the other; one may be a holding company and control several other companies.

The public has no protection in these regards. The Department of Commerce, however, is not to be criticized, because it has no legal authority in the premises. The present system is deficient.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. BRATTON. I yield.

Mr. McNARY. I gather from the argument of the Senator that he is discussing the imperfections and weaknesses of the existing law, as I understand?

Mr. BRATTON. Yes.

Mr. McNARY. Would it not be proper for some one—probably the Senator from New Mexico, who is familiar with the subject matter—to offer an amendment to the law or to propose supplemental legislation of some kind?

Mr. BRATTON. Mr. President, I am engaged now in drafting a bill to that end. It will probably require some days to complete it.

Mr. McNARY. I am glad that is so. The Senator, then, will introduce a bill at this session of Congress relative to the subject matter?

Mr. BRATTON. Yes; I shall do so within the next few days.

Mr. McNARY. And the Senator, of course, will act with promptitude and dispatch in bringing the matter to the attention of the committee and the Senate during the next session of Congress?

Mr. BRATTON. Yes; but if I make no better haste than I have with this resolution, being unable to get it to any committee within two or three weeks, I can not promise the Senator from Oregon much progress. At an early date, however, I shall introduce the bill, the general object and purpose of which will be to place interstate air commerce under the jurisdiction of the Interstate Commerce Commission and to vest that commission with appropriate regulatory powers as to the operation of ships, routes, securities, and kindred subjects.

Mr. McNARY. I had rather rely upon the good judgment of the Senator from New Mexico concerning such a bill than on any report from a committee. I want to ask the Senator, since he has introduced a resolution covering this subject matter, why does he want to have the judgment and report of a committee on a matter as to which he has already covered the field?

Mr. BRATTON. No; I have not covered the field by any means; I do not think one Member of this body can cover the field under existing circumstances. There are many relevant facts which can never be developed except through a proper constructive investigation. Let me say to the Senator from Oregon that it is not my purpose or desire to conduct a muckraking investigation

Mr. McNARY. I am sure of that.

Mr. BRATTON. I do not have that in mind. I have in mind, and hope to bring about, a constructive investigation looking to uncovering defects, if any, in the industry and suggesting methods of improvement designed to increase confidence in air travel.

Mr. McNARY. The Senator, having set himself to the task of framing a bill which will comprehend the whole subject matter, would it not be better for him to introduce it here, have it referred to the committee having jurisdiction, and then let that committee hold hearings for the purpose of determining whether the bill should be modified or supplemented? Would not that be a better procedure and a more logical one than the method which the Senator is undertaking to follow in this resolution?

Mr. BRATTON. In the proposed investigation there is comprehended, the same subject matter, the same phases of the industry, and I think the work can be done under the resolution, with the duty enjoined upon the committee to report back as to the kind and character of legislation needed. I unhesitatingly say that I think the committee can draw a better bill than I can frame and introduce.

Mr. McNARY. Of course, on that point I take issue with the able Senator from New Mexico.

Mr. BRATTON. I thank the Senator for his generosity.

Mr. President, the question of rates is involved. I have already outlined the stupendous proportions which this industry has reached. I wish to call attention to a statement made at the National Air Traffic Conference held at Kansas City on the 17th instant. It was made by Mr. Erle B. Halliburton, president of the Southwest Air Line Fast Express. I quote from the newspaper account:

> Halliburton urged that the Interstate Commerce Commission act itself be amended to cover regulation of the air lines or that other suitable legislation be enacted that will serve to protect the commercial air transport lines, the traveling, the shipping, and the investing public, and encourage and facilitate the development of air transportation in all of its phases.
>
> Halliburton said that the lack of regulation of passenger fares on air lines had resulted in marked discrimination between localities in the matter of rates. On lines in the Southwest, he added, it is possible to have passengers on one plane who paid fares varying as much as from 8.2 cents to 13 cents a mile, depending on the destination.

Mr. President, think of two passengers riding together on the same plane, enjoying the same accommodations, protected by the same degree of safety, one paying 8 cents a mile and the other 13 cents a mile.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. BRATTON. I yield to the Senator from Oregon.

Mr. McNARY. I think that practice is very discriminatory, of course, but may I ask when was that conference held?

Mr. BRATTON. It was held on the 17th of this month.

Mr. McNARY. I recall from a news account that a resolution was adopted by the conference disapproving of the Senator's resolution and any effort on the part of the Government to regulate transportation by air. Is that correct?

Mr. BRATTON. Yes.

Mr. McNARY. Has the Senator the resolution adopted in opposition to his proposal?

Mr. BRATTON. I have newspaper references to it.

Mr. McNARY. Will the Senator insert them in the RECORD at this point?

Mr. BRATTON. Yes. The press account stated:

> Executives in attendance at the National Air Traffic Conference to-day refused to adopt a resolution calling for Government control of air traffic, sought by Erle B. Halliburton, president of the Southwest Air Fast Express.
>
> The delegates also refused to sanction the appointment of a committee to investigate the subject and make report.

The industry, Mr. President, objects to any more regulation, according to the newspaper account, and is advocating now that it be allowed to remain under the jurisdiction of the Department of Commerce. Let me call the attention of the Senator from Oregon to what the Assistant Secretary of Commerce said in regard to that. He is not in accord with the Senator from Oregon. I again quote from the press dispatches:

> Discouragement of any thought of Government regulation of air transportation lines similar to that exercised over the railroads was urged on air transport executives in session here to-day by William P. MacCracken, Assistant Secretary of Commerce for Aeronautics.
>
> The railroads, Mr. MacCracken told the air executives, were not placed under governmental regulation until after 75 years of existence, when "pernicious practices made it necessary."
>
> The new air industry, the Assistant Secretary said, should regulate itself as far as possible and keep out of governmental control because any group of Government officers, no matter how great their ability and sincerity, can not sit in judgment upon the needs of the air industry as can the industry itself.

If I understand the purport of the advice given by the Assistant Secretary of Commerce to the executives in conference at Kansas City, it was against the wisdom of any more regulation by any department of the Government. He went so far as to say to them that they could regulate themselves better than the Government could regulate them. I have no doubt of his sincerity in that position; I commend him for his sincerity; but I wholly disagree with the suggestion. To me it is unthinkable to say that because the railroads were not regulated for 75 years after their existence and until their pernicious practices compelled regulation the air industry should continue unregulated until its pernicious practices force regulation.

Mr. President, I ask to have inserted in the RECORD at this point the two press reports from which I have read relating to the action of the conference at Kansas City containing statements made by certain persons attending it.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Star, September 18, 1929]

UNITED STATES AIR-TRAFFIC CONTROL OPPOSED—EXECUTIVES REFUSE TO ADOPT RESOLUTION FOR FEDERAL DIRECTION OF OPERATIONS

KANSAS CITY, September 17.—Executives in attendance at the National Air Traffic Conference to-day refused to adopt a resolution calling for Government control of air traffic sought by Erle B. Halliburton, president of the Southwest Air Fast Express.

The delegates also refused to sanction appointment of a committee to investigate the subject and make a report.

[From Washington Evening Star, September 17, 1929]

UNITED STATES AIR CONTROL HIT BY MACCRACKEN—OFFICIAL OPPOSES IDEA SUGGESTED AT MEETING OF AVIATION LEADERS

KANSAS CITY, September 17.—Discouragement of any thought of governmental regulation of air transportation lines similar to that exercised over the railroads was urged on air transport executives in session here to-day by William P. MacCracken, Assistant Secretary of Commerce for Aeronautics.

The railroads, MacCracken told the air executives, were not placed under governmental regulation until after 75 years of existence when "pernicious practices made it necessary."

"The new air industry," the Assistant Secretary said, "should regulate itself as far as possible and keep out of governmental control because any group of Government officers, no matter however great their ability and sincerity, can not sit in judgment upon the needs of the air industry as can the industry itself."

PROPOSAL FOR CONTROL

The proposal for the creation of a governmental body to regulate air transportation was submitted by Erle P. Halliburton, president of the Southwest Air Fast Express.

Halliburton urged that the Interstate Commerce Commission act itself be amended to cover regulation of the air lines or that other suitable legislation be enacted that will serve to protect the commercial air transport lines, the traveling, the shipping, and investing public, and encourage and facilitate the development of air transportation in all of its phases and ramifications.

Halliburton said that the lack of regulation of passenger fares on air lines had resulted in marked discrimination between localities in the matter of rates. On lines in the Southwest, he added, it is possible to have passengers on one plane who paid fares varying as much as from 8.2 cents to 13 cents a mile, depending on the destination.

Discussing the transport of air mail, Halliburton argued that mail should be routed over any responsible line available that would expedite delivery, regardless of the existing contract lines.

COMMITTEES ARE NAMED

An indication of the desire of leaders of the industry to do their own regulating was given with the announcement of the appointment of 10 committees, each assigned to consider a separate phase of air transportation.

Amelia Earhart, trans-Atlantic flyer and the only woman given an appointment, was named head of the group to discuss ticket sales and solicitation methods and their relation to increased traffic. Miss Earhart is assistant general traffic manager of the Transcontinental Air Transport (Inc.).

Herbert Hoover, jr., son of the President, was made chairman of the committee to study radio and communication problems. He is radio expert for the Western Air Express.

"I hope that out of this meeting will come definite recommendations for the formation of a body comprised of representatives from each air line, with power to act, who can get together frequently to secure unified action on the most pressing problems facing the industry," T. B. Clement, general traffic manager of the Transcontinental Air Transport, said.

AIR-EXPRESS BOOM

Predicting that transportation of express by air soon will exceed the value of passenger business to the major air transport operators, C. W. H. Smith, general traffic manager of Western Air Express, yesterday addressed the opening session conference here.

"Larger and better airplanes," Mr. Smith told his audience, "will provide the one essential requirement for air-express business. The development of aircraft will be advanced sufficiently to permit air express to be handled at railroad rates with far speedier delivery."

AIR MAIL GAVE BENEFITS

"The establishment of the air mail by the Government laid the corner stone of commercial aviation in the United States," Mr. Smith said. "Revenues derived from the transportation of air mail have been the chief means of support of the leading air-transport companies, but the air-mail service has reached its peak. In the future we must expect to make our revenue from greater loads hauled at lower costs.

"The combination of dawn-to-dusk passenger-plane service with rail connections for night travel is one of the most important economic developments in the air-transport industry in the last year."

Regular night air-passenger travel was visioned by Mr. Smith as the next logical development of air-passenger service. With the development of radio for planes, acceptance of night air travel will come quickly, Mr. Smith believes.

UNITED STATES LEADERSHIP SEEN

Col. Harry H. Blee, chief of the division of airports of the Department of Commerce, declared the United States is destined for world leadership in the air-transport field.

"In the United States to-day there are 46 transport companies flying 75,000 miles a day and carrying thousands of pounds of express and large numbers of passengers in addition to 6,000,000 pounds of mail a year," Colonel Blee said.

"With ample capital now available, aircraft production is developing without restriction, and new lines are being established in all parts of the country. Forty-one of the forty-eight States are now served by air transport," Colonel Blee added.

Mr. BRATTON. Mr. President, in connection with the subject of rates I have a summary of rates charged on certain of the leading lines. It was furnished me by Assistant Secretary MacCracken in connection with a map showing the lines over which the respective companies operate. I call attention to the fact that between Los Angeles and San Francisco three of the companies charge 8 cents a mile and one charges 7 cents; between San Francisco and Seattle one company charges at the rate of 7 cents a mile and the other at the rate of 8 cents; between Detroit and Cleveland one company charges at the rate of 10 cents a mile and another at the rate of 23 cents a mile; between New York and Albany one company charges 12 cents and the other 17 cents a mile; between New York and Boston one charges 15 cents and the other 17 cents a mile; between Los Angeles and Kansas City the Western Air Express charges 12 cents a mile and the Transcontinental Air Transport Co. 17 cents a mile. The variances in other instances are comparable with those I have enumerated. In order that the Senate may have complete information as to the lack of uniformity in rate schedudes I ask that this tabulation be inserted in the RECORD.

Mr. McNARY. Mr. President, it is very important in the study of this resolution to ascertain precisely the discriminations that are practiced at this time, and I should like to have the clerk read the tabulation referred to.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

Los Angeles–San Francisco
(Route miles, 378)

	Rate per mile
Fare $33, Western Air Express, 3 hours	$0.08
Fare $32.50,[1] Maddux Air Lines, 3 and 3½ hours	.08
Fare $25, Pacific Air Transport, 3¾ hours	.07
Fare $32.50, Pickwick Airways, 3¼ hours	.08

San Francisco–Seattle
(Route miles, 702)

Fare $50, Pacific Air Transport, 9 hours	$0.07
Fare $55, West Coast Air Transport, 8½ hours	.08

Detroit–Cleveland
(Route miles, 139–87)

Fare $14, Stout Air Lines,[2] 1¼ hours	$0.10
Fare $20, Thompson, 55 minutes	.23

New York–Albany
(Route miles, 142)

Fare $17.50, Coastal Airways, 1 hour 25 minutes	$0.12
Fare $25, Canadian Colonial, 1 hour 30 minutes	.17

New York–Boston
(Route miles, 200)

Fare $34.85, Colonial Air Transport, 2 hours	$0.17
Fare $30, Airvia Transportation, 2 hours	.15

[1] $4 extra fare on nonstop trips.
[2] The Stout Air Lines operate from the Ford Airport, Detroit, to the Cleveland Municipal Airport, Cleveland, flying a course around the lake—mileage 139. The Thompson Aeronautical Corporation operates across the lake, using amphibians—mileage 87 miles.

Chicago–San Francisco
(Route miles, 2,018)

Fare $200, Boeing Air Transport, 20 hours	$0.10

Los Angeles–Seattle
(Route miles, 1,080)

Fare $75, Pacific Air Transport, 12 hours	$0.07

Catalina–Los Angeles
(Route miles, 32)

Fare $10, Western Air Express, 30 minutes	$0.32

Milwaukee–Grand Rapids
(Route miles, 125)

Fare $18, Kohler Aviation Corporation, 1 hour 45 minutes	$0.14

Los Angeles–Kansas City
(Route miles, 1,439 and 1,204[3])

Fare $175, Western Air Express, 14 hours 30 minutes	$0.12
Fare $196, Transcontinental Air Transport, 12 hours	.17

Los Angeles–Salt Lake
(Route miles 664)

Fare $60, Western Air Express, 13 hours	$0.09

Transcontinental air transport

Route	Route miles	Fare	Rate per mile
Los Angeles–Kansas City	[1] 1,204	$196	$0.16
Los Angeles–Kingman	[2] 170	50	.34
Kingman–Winslow	-------	(3)	-------
Winslow–Albuquerque	225	40	.18
Albuquerque–Clovis	-------	(3)	-------
Clovis–Waynoka	(Train)	-------	-------
Waynoka–Wichita	114	20	.18
Wichita–Kansas City	173	29	.17
Kansas City–St. Louis	-------	(3)	-------
St. Louis–Indianapolis	225	38	.17
Indianapolis–Columbus	150	30	.20

[1] Does not include train mileage from Clovis to Waynoka.
[2] The mileage in this case is taken as an air-line distance between these two cities, whereas the planes fly from Kingman to Bakersfield, and then down to Los Angeles, making the mileage considerably more.
[3] No tickets sold on intrastate travel.

Mr. BRATTON. Mr. President, I have already adverted to the fact that some of the executives of certain of the larger companies favor legislation regulating their business. I refer to a reprint of an editorial in the October issue of Aeronautics, in which the statement is made that at the suggestion of Congressman CABLE, of Ohio, that magazine communicated with a number of the large companies inquiring their attitude as to the wisdom of appropriate legislation to that effect.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BRATTON. In just a moment. According to the editorial, out of the replies received, 46 per cent of the companies favored legislation to that effect, 49 per cent of them opposed it, and 11 per cent of them are undecided. It is noted that the total exceeds 100 per cent, but I give the figures as stated.

I send to the desk the editorial, with the list of part of the companies who made reply, and ask that the marked part be printed in the RECORD as an appendix to my remarks.

The PRESIDING OFFICER. Without objection——

Mr. McNARY. Mr. President, before the Chair rules on that point, may I ask whether that vote was obtained by plebiscite among the newspapers?

Mr. BRATTON. By a magazine called Aeronautics, published in Chicago. The inquiry was sent out by that magazine, and some of the companies are listed; the editor makes the statement that 46 per cent of them favor the regulation, 49 per cent oppose it, and 11 per cent are undecided.

Mr. McNARY. Inasmuch as the Senator has referred to excerpts from the editorial, I should like to have the clerk read it.

The PRESIDING OFFICER. Is there objection? There being no objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From Aeronautics for October, 1929]

FROM THE PUBLISHER'S QUILL

(Aeronautics advocates: A unified air service with adequate appropriations. A great national air academy. Repeal of tax on gasoline sold on air fields. Unified State and national laws governing aircraft.)

PROTECTIVE LEGISLATION

A short time ago we received a communication from Congressman JOHN CABLE, of Ohio, who is considering the advisability of protective legislation covering the establishment, regulation, and development of fixed transport lines and routes from city to city. He said:

[3] Does not include train mileage from Clovis to Waynoka.

"It seems to me if Congress should pass a law that when one responsible company has established a line from city A to city B, so long as such company maintains adequate service, a second company should not be permitted to compete with company No. 1. This should encourage the establishment of many routes, because the investment would thereby be protected, and the service thereby regulated. Only when public convenience and necessity require a second company as found through such agency as the Interstate Commerce Commission, should a second company be permitted to operate.

"This method is followed out in the establishment of motor transportation companies in Ohio. When one line has been granted a certificate, a second certificate along the same route is not permitted unless public convenience and necessity require. Likewise, on what is known as irregular routes for motor-bus transportation companies out of a city and over any highway in the State from or to any city, after a sufficient number of irregular certificates have been granted in a city, no additional certificates or motor transportation companies are permitted to operate from that particular place."

Congressman CABLE further requested our opinion and that of our readers on the advisability of such a Federal law applicable to aeronautics. Our viewpoint was contrary to further legislation at this time, but in order to fairly estimate both sides of the question "for immediate delivery" we sent a round robin to a representative cross section of qualified executives and organizations so that the opinion of the industry as a unit might be viewed.

We felt that this mass opinion would be of more value in properly guiding Legislator CABLE than any individualistic premise.

The viewpoint of Aeronautics is that legislation of this type would be a serious mistake, especially at this time, when the entire business of aerial travel and carrying is in very much of a formative state.

While it would be very desirable to protect young and struggling companies against undesirable competition, we believe it would be sheer folly to place the industry in a cast-iron mold, which is exactly the effect this legislation would be calculated to produce. We do not believe that the results of such legislation would fulfill its intent.

We contend that there are several fundamentals of common law and ultimate public value that would make a move of this sort decidedly unwise.

In the first place, from the viewpoint of good economics, an airway has no right of way to purchase or lease from the State. In this sense as a carrier it does not make use of public land or roads. It does not require the State or community to pay for the upkeep of a fixed route (as is indicated in the case of bus companies who make use of the common highways). Neither does it require a governmental subsidy to tide it over periods of mismanagement or natural difficulty as in the case of the railroads. These latter, in being granted and accepting a right of way, become immediately monopolistic in effect—a subsidized and in cousequence partly socialized public utility.

It should be a matter of common prudence to declare the air sovereign free. Since it trespasses on no one's property, does not require the upkeep of the State, is not taxable, does not perpetrate a nuisance on any community, and is not a liability to the community in the event of bad management or failure, it should be subject only to regulations guaranteeing safety of human cargo. Even laws aimed at the inspection and specification of equipment should be carefully considered and should be very elastic when finally made operative.

It should be borne in mind in this relation that regulation of this type, no matter how helpful the purpose actuating it, tends toward the ultimate centralization of tremendous powers in the hands of politically appointed bureaucracy. A certificate of right of way becomes a favor, a political plum, handed out like paving contracts, to friends.

While it is true, as many letters on this subject to us have pointed out, that an unhealthy competition involving several competing lines in a locality capable of supporting only one comfortably, will tend toward inadequate equipment and dangerous and slovenly service, much can be said on the other side. A transport outfit secure in its franchise and indifferently managed would be difficult to oust and would constitute a chronic stumbling block to aviation progress in its locality. It would be difficult to draw the line as to where its apathy to good service and progress laid it open to revocation of its licenses.

The entire effect would be of casting the aerial transport business into politics, achieving immediately the reverse result to that so ardently desired by the smaller transport companies, who have neither influence nor money to lobby with.

Another grave possibility is the amalgamation and control of manufacturers of equipment (planes, engines, etc.), who would take over existing franchises through direct or stock purchase. The control of transport lines by equipment manufacturers at this time is a logical and valuable creation of outlet for their products. It is founded on the sound construction of their planes, power plants, and other equipment, and works out for the public good.

If, however, a condition were created where free competition were prohibited, the natural succession of events would soon find a manufacturer or factory not in control of transportation companies robbed of any possible market. Inventors would be forced to sell to existing companies, or emigrate to foreign countries to develop the fruits of their genius.

Small transport operators might finally find themselves unable to purchase the requisite up-to-date equipment at economic prices and would lose their certificates or be forced into line by the big combines.

The largest number of the communications from transport companies expressed the strongest desire for legal protection and the restriction of competitive activity. Their desires in this direction are understandable. We in the industry know that their path is not paved with roses. It is a sad commentary on good judgment when a second company enters a field or locality scarcely able to support one. This lack of immediate revenue possibility in itself should be enough to discourage competitive activity until the first company in the field has had the opportunity to solidify its position and gain a motion and good will sufficient to be entered on its books as its major asset.

Aeronautics is aware that lack of all regulation is not a completely salutary condition, and in taking its stand simply declares it as the lesser of two evils, with the good of the entire industry in mind.

Manufacturers declared themselves for the most part against any legislation at this time, which some termed dangerous and others meddlesome.

It should be noted in this respect that Congressman CABLE is an able and careful legislator of the highest type. He is author of two major Federal laws—an act granting independent citizenship to women, and Federal corrupt practices act. He also helped to write the immigration laws. In such a man aviation has a friend, sincere and helpful.

We do not know what Congressman CABLE's absolute convictions are in this matter. We conclude, however, that he will carefully weigh both sides of the question, both from the viewpoint of immediate and ultimate effect. The opinions we forwarded to him are vastly varied and will take a Solomon to adjudge.

Analyzing this mass of expression the results indicate that the industry all told stands on the subject of regulatory legislation:

	Per cent
For	46
Against	49
Undecided	11

This would indicate that the absolute attitude of qualified opinion is something of a toss-up. We are reprinting a number of letters received on page 55. Care has been taken to present varying points of view (the selection of these letters was based purely on their value as contributing to a general understanding of various slants on this important matter. More will be given next month. Necessarily, want of space prevents reproduction of all letters received).

Among those heard from were:

J. Don Alexander, Alexander Aircraft Co.; W. H. Dixon, U. S. Aircraft Engineering School; Edward A. Stinson, Stinson Aircraft Corporation; Charles L. Lawrance, Wright Aeronautical Corporation; R. Watts, Russell T. Gray (Inc.); Walter H. Beech, Travel Air Co.; Arthur Balis, The Technical Service Co.; J. D. Lodwick, Curtis Pneumatic Machinery Co.; Henry Bolte, Bolte Aircraft Corporation; J. G. Carr, The Knoll Aircraft Corporation; J. H. Geisse, Comet Engine Corporation; H. E. Barber, Continental Air Lines (Inc.); A. M. Hall, Hall-Aluminum Corporation; W. H. Bral, Lycoming Manufacturing Co.; J. Lansing Callan, American Aeronautical Corporation; C. W. White, Bach Aircraft Co.; N. J. Boots, Roosevelt Field (Inc.); Chester W. Cuthell, Cuthell, Hotchkiss & Mills; Robert J. Smith, Southern Air Transport (Inc.); Edmund T. Price, Solar Aircraft Co.; L. G. Mason, Montgomery School of Aeronautics; T. E. Jones, Mamer Air Transport; George M. Pynchon, jr., Pynchon & Co.; C. S. Story, The Story-Gawley Co.; W. B. Kinner, Kinner Airplane & Motor Corporation; F. M. Smith, Moth Aircraft Corporation; Joseph Blondin; George H. Boucher, Pyrene Manufacturing Co.; L. Morton Bach, Bach Aircraft Co.; W. O'Neil, General Tire & Rubber Co.; Archibald Black, Black & Bigelow; M. W. Mears, Chappelow Advertising Co.; John F. O'Ryan, Colonial Western Airways; George E. Stange, Mono-Aircraft (Inc); A. G. Ober, jr., Washington Air Terminals; P. G. Kemp, Central Air Terminals Co.; Norman G. Warsinske, Canadian-American Airlines; Frank D. Blair, Canadian-American Airlines; Harold S. Lees, Canadian-American Airlines; Karl S. Betts, Detroit Board of Commerce; H. P. Mammen, Parks Aircraft (Inc.); F. B. Rentschler, The Pratt & Whitney Aircraft Co.; J. H. Chipman, Barbour Stockwell Co.; F. J. Logan, Logan Aviation Co.; E. K. Ellis, Eagle-Ottawa Leather Co.; M. H. Simmons, The Dayton Airplane Engine Co.; H. C. Blake, Nicholas-Beazley Airplane Co.; Glen A. Gunderson, Burgess Battery Co.; C. T. Austin; Carl H. Woefley, Bird-Wing Commercial Aircraft Co.; Jack Whitaker, Szekely Aircraft & Engine Co.; Ariel C. Harris, Rule & Sons (Inc); Charles H. Babb, Aircraft Finance Corporation of America; Robert S. Gans, Aircraft Products Corporation; C. A. Van Dusen, The Glenn L. Martin Co.; H. L. Balderston, Pioneer Instrument Co.; Albert E. Evans, Albert Evans (Inc.); Allen P. Bourdon, Bourdon Aircraft Corporation; Earl L. House, Earl L. House (Inc.); K. B. Walton, Kents Aircraft Corporation; Paul W. Gardner, General Airmotors Co.; Charles S. Dion, Jersey City Airport (Inc.); E. W. Cleveland, Cleveland Pneumatic Aerol Co.; Brown Katzenbach, Masonite Corporation;

Parker Hill, The Cleveland Chamber of Commerce; E. C. Lindsey, Dynamic Manufacturing Co.; Andrew L. Schaidler, Aero Corporation of America; Enoch Prouty, Prouty Motor Co.; R. H. Crane, Aero Corporation of Dakota; M. M. Bonville, The Argus Map Co.; Reed G. Landis, Reed G. Landis Co.

Mr. BRATTON. Mr. President, I hold in my hand an article which appeared in the New York Sun of September 14 bearing upon the subject. Does the Senator from Oregon desire to have it read from the desk?

Mr. McNARY. I would rather hear the Senator debate his resolution; but if he prefers to have the article read, I shall not object to it.

Mr. BRATTON. Mr. President, in view of the statement of the Senator from Oregon that he intends to address himself to the resolution as soon as I have finished, I shall hasten to a close. My remarks would have been much shorter except for the welcomed interruptions of the Senator from Oregon.

Mr. President, this is a large industry. It is a rapidly growing one. It is serving a useful purpose in our industrial life. I think it will continue to do so. It is becoming inseparably connected with rail transportation. It soon will be utterly impossible to separate interstate air commerce from interstate rail commerce. In my opinion, coordination of industry necessitates and demands that interstate air commerce be placed under the jurisdiction of the Interstate Commerce Commission, along with interstate rail transportation.

As to the investigation of the accidents, including the one named in the resolution, which was more than an accident—it was a tragedy—the Department of Commerce does not make public its findings following investigation of crashes. The department has not made public its specific findings in any case. The department believes that it should not do so.

Mr. McNARY. Mr. President, will the Senator yield at that point?

Mr. BRATTON. I yield.

Mr. McNARY. Does not the Department of Commerce make available this information, based on inquiry, to appropriate committees of Congress?

Mr. BRATTON. It makes public the ultimate facts—that is, the percentage of accidents brought about by carelessness of pilots, the percentage of accidents produced by defective equipment, and so on, but the specific facts and contributing causes are not stated in detail by the department immediately or soon after the accident occurs.

I will say to the Senator from Oregon that under date of September 18 I wrote a letter to the Department of Commerce requesting a copy of its findings relating to this particular accident, and in reply the Secretary advised me verbally that it was not the policy of the department to make the findings public; that if I wanted them for use in a confidential way, he would supply me with a copy; to which I replied that I did not want them in that way; that I wanted them for whatever purpose I saw fit to use them. The copy has not been supplied yet.

Perhaps the department is right about that. However, I do not think so. I think there is provision of law requiring the department to make its findings public, and I would like to have the views of the Senator from Oregon about that.

Mr. McNARY. I would be very much pleased if the Senator would read the statute for the RECORD, if it is not too long, and give the Senate his judgment as to whether or not the statute is being followed actually and properly by the department.

Mr. BRATTON. Section 2 of the act of 1926, in prescribing the duties of the Secretary of Commerce, in subdivision (e) provides as follows:

> To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

The department has about 60 representatives whose duty it is to investigate accidents and to inspect planes periodically, but they can not do the work adequately. The number is insufficient. The department does not have an adequate amount of money for the employment of a sufficient force. These representatives do the best they can to investigate crashes. They have no power, however, to compel the attendance of witnesses or the production of books. It is purely a voluntary matter on the part of those with whom they must communicate and from whom they secure information. That, in my judgment, is another reason why the industry should be placed under the jurisdiction of the Interstate Commerce Commission.

Mr. McNARY. Mr. President, will the Senator yield further?

Mr. BRATTON. I yield.

Mr. McNARY. In the Senator's correspondence and request of the Secretary of Commerce, did he ask him to make public the nature and causes of the accident at Mount Taylor, involving the Transcontinental Air Transport plane?

Mr. BRATTON. I read the letter addressed to the Secretary on the 18th of September. It is as follows:

SEPTEMBER 18, 1929.

Hon. ROBERT P. LAMONT,
Secretary Department of Commerce, Washington, D. C.

DEAR MR. SECRETARY: The Transcontinental Air Transport (Inc.) plane, *City of San Francisco*, was wrecked near Mount Taylor, in the State of New Mexico, September 3, 1929, resulting in the loss of eight lives. According to press reports, your department conducted an investigation into the contributing cause or causes thereof. So far as I have been able to ascertain, the findings or conclusions resulting from such examination have not been made public. If it is not incompatible with public interest, please furnish me with full information regarding such accident, with a copy of your findings. Your usual courteous and expeditious attention will be deeply appreciated.

Sincerely yours,

SAM G. BRATTON.

To that the Secretary responded with a verbal statement that the findings would be furnished in confidence.

Mr. McNARY. Mr. President, the date of that letter is September 18?

Mr. BRATTON. It is.

Mr. McNARY. And the Senator has not received a written answer to his inquiry?

Mr. BRATTON. I have not.

Mr. McNARY. Does the Senator anticipate that the Secretary of Commerce will refuse to make public the cause and nature of the accident in question?

Mr. BRATTON. I do not say that. I say that the Secretary stated to me that a copy of his findings could not be supplied me unless I accepted it in a confidential capacity. The matter rests there. The Senator is just as able and more so to draw a conclusion as I am.

Mr. McNARY. Then the Senator does not anticipate further correspondence from the Secretary of Commerce?

Mr. BRATTON. I have not given it much thought one way or the other.

Mr. McNARY. Does the Senator believe the statute authorizes the Secretary of Commerce to withhold the nature of an accident and refuse to give it publicity?

Mr. BRATTON. I do not think so. What is the view of the Senator from Oregon about that?

Mr. McNARY. Will not the Senator just read that line again, please?

Mr. BRATTON. In prescribing the duties of the Secretary of Commerce, the act provides:

> To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

Mr. McNARY. I think it is too plain for construction that it is the duty of the Secretary of Commerce to make public the cause and nature of the accident involving the Transcontinental Air Transport plane.

Mr. BRATTON. According to press reports following the Transcontinental Air Transport accident near Mount Taylor, Assistant Secretary MacCracken and Mr. Young disagreed about that. Mr. Young favored making the findings public and Mr. MacCracken took the contrary view. I recall distinctly seeing press reports to that effect. The findings have not been made public.

Mr. McNARY. Does the Senator know whether the department has made an investigation as to the accident?

Mr. BRATTON. Oh, yes; the department has made the investigation. The discussion in the press concerned whether the findings based upon the investigation should be made public. As I have said, Mr. Young favored making them public and Assistant Secretary MacCracken disapproved that.

Mr. McNARY. Probably the Secretary of Commerce has not concluded his investigation.

Mr. BRATTON. The Secretary advised me that the findings would be furnished me only to be kept in confidence. He stated it was not the policy of the department to make such findings public.

Mr. McNARY. Did the Senator receive that word from the Secretary of Commerce?

Mr. BRATTON. Yes; in a personal conversation.

Mr. McNARY. Then I assume that, so far as the inquiry is concerned, it has been fully answered, and the Senator expects no further advice or information from the Department of Commerce?

Mr. BRATTON. It has been fully answered. The only thing that could be done would be to confirm in writing what the Secretary told me in person.

APPENDIX

EXHIBIT A

AIRWAY OPERATORS (SCHEDULED ROUTES)

Clifford Ball, McKeesport, Pa.

Barnes & Gorst, 5600 Marginal Way, Seattle, Wash.

Boeing Air Transport (Inc.), Georgetown Station, Seattle, Wash.

Paul R. Braniff (Inc.), 318 Braniff Building, Oklahoma City, Okla.

Canadian-American Air Lines (Inc.), Minneapolis, Minn.

Canadian Colonial Airways (Inc.), 270 Madison Avenue, New York, N. Y.

Capitol Airways (Inc.), West Thirtieth Street, west of Lafayette Road, Indianapolis, Ind.

Central Air Lines Co., 220 North Waco Avenue, Wichita, Kans.

Colonial Air Transport (Inc.), 270 Madison Avenue, New York, N. Y.

Colonial Western Airways (Inc.), 270 Madison Avenue, New York, N. Y.

Commercial Air Transport (Inc.), Everett, Wash.

Continental Air Lines (Inc.), 887 Union Trust Building, Cleveland, Ohio.

Coastal Airways (Inc.), 45 West Forty-fifth Street, New York, N. Y.

Embry-Riddle Co., Lunken Airport, Cincinnati, Ohio.

Ford Airways, Dearborn, Mich.

Gulf Airlines (Inc.), Room R, Roosevelt Hotel, New Orleans, La.

Interstate Air Lines (Inc.), 105 West Adams Street, Chicago, Ill.

Maddux Air Lines (Inc.), Grand Central Terminal, Glendale, Calif.

Mamer Air Transport (Inc.), 1044 Paulsen Building, Spokane, Wash.

Midwest Airways Corporation, Aurora, Ill.

Mutual Aircraft Corporation, Los Angeles, Calif.

National Air Transport Co. (Inc.), 5936 South Cicero Avenue, Chicago, Ill.

National Parks Airways (Inc.), Continental Bank Building, Salt Lake City, Utah.

New Orleans Air Line, 824 Poland Avenue, New Orleans, La.

Northwest Airways (Inc.), Merchants Bank Building, St. Paul, Minn.

Pacific Air Transport (Inc.), 593 Market Street, San Francisco, Calif.

Pan American Airways (Inc.), 122 East Forty-second Street, New York, N. Y.

Pan American-Grace Airways (Inc.), 122 East Forty-second Street, New York, N. Y.

Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa.

Rankin Flying Service, P. O. Box 4268, Portland, Oreg.

Robertson Aircraft Corporation, Anglum, St. Louis, Mo.

Royal Airways Co., 116 East Washington Avenue, Madison, Wis.

Southwest Air Fast Express (Inc.), Tulsa Trust Building, Tulsa, Okla.

Spokane Airways (Inc.), Standard Exchange Building, Spokane, Wash.

Standard Airlines (Inc.), 107 West Ninth Street, Los Angeles, Calif.

Stout Air Services (Inc.), Dearborn, Mich.

Texas Air Transport (Inc.), Fort Worth, Tex.

Thompson Aeronautical Corporation, 2196 Clarkwood Road, Cleveland, Ohio.

Transcontinental Air Transport, Syndicate Trust Building, St. Louis, Mo.

United States Air Transport (Inc.), 11 West Forty-second Street, New York, N. Y.

Union Air Lines (Inc.), Sacramento, Calif.

Universal Air Lines, 105 West Monroe Street, Chicago, Ill.

Walter T. Varney, 226 Noble Building, Boise, Idaho.

West Coast Air Transport Co., 506 Pittock Building, Portland, Oreg.

Western Air Express, 117 West Ninth Street, Los Angeles, Calif.

Wichita Falls Air Transport (Inc.), 1202 Stanley Building, Wichita Falls, Tex.

Yellow Cab Airways (Inc.), Des Moines, Iowa.

EXHIBIT B

List of fatal accidents occurring in scheduled operations from January 1, 1927, to September 20, 1929, showing name of operator, place of accident, date, and the fatalities as to pilots and passengers

Operator	Place of accident	Date	Fatalities	
			Pilots	Passengers
Boeing Air Transport (Inc.)	Marquette, Nebr	Feb. 26, 1928	------	1
Clifford Ball	Morgantown, W. Va	Feb. 1, 1929	1	------
Colonial Air Transport (Inc.)	East Willington, Conn	Sept. 6, 1927	1	------
Do	Union, Conn	Jan. 5, 1929	1	------
Continental Air Lines (Inc.)	Columbus, Ohio	June 30, 1929	1	------
Ford Motor Co	Dearborn, Mich	May 12, 1928	2	------
Interstate Airlines (Inc.)	Chattanooga, Tenn	Dec. 23, 1929	1	3
Maddux Air Lines (Inc.)	San Diego, Calif	Apr. 21, 1929	1	4
National Air Transport (Inc.)	Corunna, Ind	Nov. 29, 1927	1	------
Do	Lebo, Kans	July 2, 1928	1	------
Do	Huron, Ohio	Dec. 20, 1928	1	------
Do	Polk, Pa	Oct. 18, 1929	1	------
National Parks Airways (Inc.).	Pocatello, Idaho	Sept. 4, 1928	1	6
Northwest Airway (Inc.)	St. Paul, Minn	June 24, 1929	1	------

EXHIBIT B—Continued

List of fatal accidents occurring in scheduled operations from January 1, 1927, to September 20, 1929, etc.—Continued

Operator	Place of accident	Date	Fatalities	
			Pilots	Passengers
Pacific Air Transport	Gustine, Calif	Apr. 3, 1927	1	1
Do	Canyonville, Oreg	Oct. 2, 1928	------	1
Pan American Airways (Inc.)	Off of Key West, Fla	Aug. 21, 1928	------	1
Do	Santiago de Cuba	June 13, 1929	------	2
Pitcairn Aviation (Inc.)	Seven Pines, Va	Mar. 22, 1928	1	------
Do	Ellerson, Va	May 26, 1928	1	------
Standard Airlines (Inc.)	Beaumont, Calif	Mar. 29, 1929	1	3
Transcontinental Air Transport.	Mount Taylor, N. Mex.	Sept. 3, 1929	2	[1]5
Universal Airlines System	Edgerton, Ohio	Nov. 24, 1928	1	2
Varney Air Lines	La Grande, Oreg	Jan. 17, 1929	1	------
Western Air Express (Inc.)	Cheyenne, Wyo	May 7, 1929	1	------
Do	Denver, Colo	Dec. 15, 1927	1	------
Total			24	30

[1] Also 1 courier.

Mr. BLAINE. Mr. President, it is very evident that a vote will not be taken on the pending resolution by 1 o'clock, at which time I understand consideration of the resolution will cease and the tariff bill will be taken up.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McNARY. Assuming the pending resolution shall not be disposed of by 1 o'clock, will it not then go to the calendar?

The PRESIDING OFFICER. It will go to the calendar, and take its place at the foot of the calendar.

Mr. McNARY. And it can come up on another day under unanimous consent in the morning hour?

The PRESIDING OFFICER. Yes; or it might come up when the calendar is under consideration.

Mr. BLAINE addressed the Senate on injunctions in labor's struggles. After having spoken for 10 minutes—

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the morning hour has expired. The pending resolution will go to the calendar, and the Chair lays before the Senate the unfinished business. The Senator from Wisconsin is entitled to the floor.

Mr. BLAINE resumed his speech. After having spoken for some time—

Mr. SIMMONS. Mr. President, I think the speech the Senator from Wisconsin is making is a very important one and that we should have more Senators present.

Mr. BLAINE. I thank the Senator, but I doubt whether a quorum can be maintained.

Mr. SIMMONS. I think it can. I will make the point of no quorum if the Senator does not object.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. BLAINE. I yield for that purpose.

The PRESIDING OFFICER. The point of no quorum having been made, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Simmons
Ashurst	George	King	Smith
Barkley	Gillett	La Follette	Smoot
Bingham	Glass	McKellar	Steck
Black	Glenn	McMaster	Steiwer
Blaine	Goff	McNary	Stephens
Blease	Goldsborough	Metcalf	Thomas, Idaho
Borah	Gould	Moses	Thomas, Okla.
Bratton	Greene	Norris	Townsend
Brock	Hale	Nye	Trammell
Brookhart	Harris	Oddie	Tydings
Broussard	Harrison	Overman	Vandenberg
Capper	Hatfield	Patterson	Wagner
Caraway	Hawes	Phipps	Walcott
Connally	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Warren
Dale	Howell	Reed	Waterman
Dill	Johnson	Robinson, Ark.	Watson
Edge	Jones	Robinson, Ind.	Wheeler
Fess	Kean	Schall	
Fletcher	Kendrick	Sheppard	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present. The Senator from Wisconsin will proceed.

Mr. BLAINE resumed and concluded his speech, which follows entire.

FEDERAL INJUNCTIONS IN LABOR'S STRUGGLES

Mr. BLAINE. Mr. President, it is not my purpose unreasonably or unduly to interfere with the discussion of the tariff bill; but there appears to be some lull in the proceedings. It is very evident that there are not very many Members of the Senate who desire to discuss the tariff bill to-day, and therefore I propose to enter upon the discussion, somewhat briefly, of a question which is going to receive the attention of organized labor within the next few days.

A subcommittee of the Senate Committee on the Judiciary, consisting of the senior Senator from Nebraska [Mr. NORRIS], the senior Senator from Montana [Mr. WALSH], and myself held extensive hearings on the question of labor injunctions. For purposes of discussions and study, the committee submitted an amendment to Senate bill 1482, introduced by the senior Senator from Minnesota [Mr. SHIPSTEAD].

The subcommittee took such action with the understanding that it was not to be considered the final word or even that members of the subcommittee were pledged to it.

Since then I have given much thought and study to the issue, and I find an array of opinions by constitutional lawyers in this body, and by Supreme Court decisions, questioning our attempt to regulate the use of the equity process in so-called labor disputes, while not applying the same process to other groups of citizens.

Beginning with discussions in this body when Senators were considering the Sherman antitrust bill in 1890, on up to the latest decisions by the Supreme Court, these authorities and students have held that labor can not be placed apart from other citizens.

The Supreme Court said the last word on this matter in 1921 in the Truax case (Truax *v.* Corrigan, 257 U. S. 312) when it declared unconstitutional a part of the Clayton law which had been written into the Constitution and Revised Statutes of Arizona, and which declared that no injunction shall be issued by any court of that State in any case between an employer or employed. In setting aside this law the Supreme Court pointed out that it only applied to labor and not to competing restaurant keepers in the event that they inaugurated a similar boycott campaign against the plaintiffs in error.

I am calling attention at this time to the uniform holdings of constitutional authorities and court decisions so that the same may be considered in connection with any bill relating to injunctions by Federal courts, and to stimulate discussion of proposed anti-injunction legislation.

EQUALITY BEFORE THE LAW

When Congress came to consider the antitrust bill introduced by Senator Sherman December 4, 1889, the discussion had not gone very far before it became apparent that the bill would apply to organized labor as well as to industrial trusts. Senator George, of Mississippi, who was one of the first to raise the question, said:

> The object of that organization [Knights of Labor], as I understand, * * * is to increase the price of their wages. Now, increasing the price of wages has a tendency, in the language of this bill, to increase the price of the products of labor.

And Senator Teller, of Colorado, observed:

> I believe this bill will go further than control great trusts. I believe it will interfere with the Knights of Labor as an organization. While I have never been very much in love with the Knights of Labor, because of some of their methods, yet their right to combine for their mutual protection and for their advancement can not be denied. While in many instances I think they have gone beyond what they should have done, beyond what was legitimate and proper, yet on the whole we can not deny to the laborers of the country the opportunity to combine either for the purpose of putting up the price of their labor or securing to themselves a better position in the world, provided always, of course, that they use lawful means. I do not believe the mere fact of combining to secure to themselves a half dollar a day more wages or greater influence and power in the country can be said to be an unlawful combination.

Then he offered a suggestion that the bill be amended, using in substance the following language:

> I know—

He says—

> that nobody here proposes to interfere with the class of men [laborers and farmers] I have mentioned. * * * And while I am exceedingly anxious myself to join in anything that shall break up and destroy these unholy combinations [trusts] * * * I want to be careful that in doing that we do not do more damage than we do good. * * * Therefore I suggest that the Senators who have this subject in charge give it special attention, and by a little modification it may be possible to relieve the bill of any doubt on that point.

To this suggestion Senator Sherman gave as a response:

> Combinations of workingmen, to promote their interests, promote their welfare, and increase their pay, if you please, to get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

The anxiety, however, of several Members of the Senate—Senator Hoar, of Massachusetts, and Senator Stewart, of Nevada—was not yet allayed. They were still concerned lest the "first prosecutions" under the statute "be brought against combination of producers and laborers whose combinations tend to raise the cost of commodities to the consumer." The question continued to be raised with growing insistence until finally it became manifest, as Senator Sherman admitted, that in order "to avoid confusion" the bill would have to be amended. Accordingly, Senator Sherman himself, while frankly disclaiming its necessity, submitted the following proviso:

> That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products.

The proviso was adopted, but it was no sooner embodied in the bill than Senator Edmunds launched an attack against it on the ground that it was "indefensible in principle." In Senator Edmunds's speech the following is found:

> If we are to have equality, as we ought to have, if the combination on the one side is to be prohibited, the combination on the other side must be prohibited or there will be certain destruction in the end.

The position taken by Senator Edmunds was controverted by Senator Hoar, who claimed that equality is not necessary, using the following words:

> When you are speaking of providing to regulate the transactions of men who are making corners in wheat or in iron * * * you are aiming at a mere commercial transaction, the beginning and the end of which is the making of money for the parties and nothing else. That is the only relation that transaction has to the States. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the Government and the character of the State itself.

Senator Hoar's argument makes a distinction between commercial combination, the only purpose of which is to extort from the community and apply to individual use wealth which ought to be properly and lawfully diffused over the whole community. But in labor combinations it was not only proper but wise to permit and even encourage them, because when we do—

> We are permitting and encouraging what is not only lawful, wise, and profitable but absolutely essential to the existence of the Commonwealth itself.

Senator Hoar's position, however, was overruled by the Senate which passed the Sherman law of 1890, the first section of which reads as follows:

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

This is a criminal statute and forbids every conceivable kind of combination in interstate and foreign commerce. It is a criminal statute covering all persons within the jurisdiction. While the wisdom of enacting this statute might well, in the light of developments, be questioned, it can not be said that it offends against the principle of equality before the law. To have exempted organizations of labor would necessarily have given them a status either above or below, but certainly different from that of the citizen, and to have done so would, in the light of expressions and decisions coming from the Supreme Court, have been held unconstitutional. When in the Danbury Hatters' case (Loewe *v.* Lawler, 223 U. S. 729) it was argued before the Supreme Court that the Sherman antitrust law had no application to labor organizations, the court said:

> The act makes no distinction between classes, but provided that every contract, combination, or conspiracy in restraint of trade was illegal, whether the restraint of trade was effected by combinations of laborers or employers. Moreover, apart from the acts of threat and coercion employed to destroy the plaintiff's trade in hats, the purpose of this combination was itself objectionable. It "aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on the conditions that the combination imposes."

In the case of Truax against Corrigan a part of the constitution and Revised Statutes of the State of Arizona was held unconstitutional because it denied equal protection of the law or the protection of equal law. For Congress to have adopted the amendment exempting labor organizations from the operation of the act would have been tantamount to denying the fundamental principle of equality before the law, because our whole system of law is predicated on the general fundamental principle of equality of application of the law. (Truax *v.* Corrigan.)

Congress in passing this criminal statute, however, destroyed the harmony and symmetry by inserting section 4 in the body of the statute. Section 4 reads as follows:

The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

By adopting this section Congress authorizes the use of equity and equity proceedings to prevent the violation of a criminal statute and makes it the duty of the several district attorneys of the United States, under direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. By the Clayton Act this section was so amended that the instruction of the Attorney General is not necessary. It was no doubt the insertion of this section which caused Senator George, of Mississippi, to utter the following warning and condemnation of the law. Senator George said:

It is very well to talk about the symmetry of the work of the Judiciary Committee, but when you pass a bill by which you throw the poor, unlettered, and unskilled American farmer and American mechanic and American laborer, who are sufferers by these trusts and combinations, unaided, single-handed, against large corporations, you simply pass a bill which will amount to nothing. * * * I do not propose silently to sit here and be a silent partner to the enactment of what I know to be, so far as a remedy to the real parties injured by these trusts is concerned, a sham, a snare, and a delusion.

The Constitution of the United States, Article III, section 2, says:

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

There is a fundamental distinction between law and equity. In the definitions of law as found on page 668 of Bouvier's Law Dictionary this definition is made clear. It defines law as—

The doctrines and procedure of the common law of England and America, as distinguished from those of equity.

In defining equity, standard textbooks and law dictionaries summarize the law as follows:

The application of right and justice to the legal adjustment of differences where the law, by reason of its universality, is deficient * * * that system of jurisprudence which comprehends every matter of law for which the common law provides no remedy * * * springing originally from the royal prerogative * * * moderating the harshness of the common law "according to good conscience."

The avowed principle upon which the jurisdiction was at first exercised was the administration of justice according to honesty, equity, and conscience.

In the reign of Richard II two petitions addressed to the King and Lords of Parliament were sent to the chancery to be heard, with the direction, "Let there be done, by the authority of Parliament, that which right and reason and good faith and good conscience demand in the case." (Bouvier's Law Dictionary, p. 359.)

From this definition it must be plain that whenever equity has jurisdiction it supersedes and sets aside all laws, including constitutional provisions and limitations, in order that justice might be done according to the conscience of the judge sitting in equity. As equity came to the United States it had no jurisdiction except to protect property when there was no remedy at law. And within these limits the jurisdiction of the equity court can not be denied in any court, State or National.

The jurisdiction of the Federal courts is well stated, as follows:

In America the Federal courts have equity powers under the Constitution, where an adequate remedy at law does not exist. (R. S., sec. 723; 140 U. S. 105; id. 656; 138 id. 146.) The adequate remedy at law, which is the test of the equitable jurisdiction of the courts of the United States, is that which existed when the judiciary act of 1789 was adopted, unless subsequently changed by Congress. (121 U. S. 201.) The equity jurisdiction conferred on the Federal courts is the same that the high court of chancery in England possesses, is subject to neither limitation nor restraint by State legislation, and is uniform throughout the different States of the Union. (150 U. S. 202; 120 id. 130; 2 Sumn. 612.) (Bouvier's Law Dictionary, p. 361.)

From the above it will appear that the court of equity is a court of conscience, and since the conscience, as is well known to all men, is not the same in all men nor in all judges, equality in this court is impossible. The judge questions his conscience and receives for an answer that an injustice is about to be perpetrated, or is being perpetrated, or has been perpetrated and is likely so to continue, and in obedience to his conscience issues an injunction. Because of the difference in the consciences of judges and in confirmation of the fear expressed by Senator George and others that labor would be the first to be prosecuted under the Sherman Act, attention is respectfully called to the first case which arose under the act. It was in 1893 under the title of United States *v.* The Workingmen's Amalgamated Council of New Orleans (54 Fed. Rep. 994). According to the facts of the case, it appeared that the draymen, seeking to induce their employer to hire none but union men, called a strike in order to compel acquiescence in their demands; whereupon the employer, endeavoring to prevent discontinuance of his transportation business, sought to replace the strikers by nonunion men. This, it is claimed, was, in turn, resisted by acts of intimidation and violence by members of the union. The issuance of an injunction was prayed for and the question at issue became whether it fell within the purview of the antitrust act. The court ruled that it was for the very purpose of remedying the evils growing out of such conditions that a "restraint of trade" was embodied in the Sherman Act. Judge Billings declared in unmistakable terms that an injunction would issue under the terms of the act against certain draymen whose strike interfered with the transportation of goods from one State to another or to a foreign country.

Almost simultaneously a somewhat similar case arose in Boston, where Judge Putnam took just the opposite position regarding the scope of the Sherman Act, using the following language:

It is not to be presumed—

Says Judge Putnam—

that Congress intended thus to extend the jurisdiction of the courts of the United States [to strikes and boycotts] without very clear language. Such language I do not find in the statute. (U. S. *v.* Patterson, 55 Fed. Rep. 605.)

It will be noted Judge Putnam does not question the right of Congress to pass such a law. He simply states that if they had intended so to do they would have used more clear and definite language. Thus, we have one court holding that the Sherman Act was deliberately framed to include labor organizations while the other maintains with equal assurance that there was no reason to believe that Congress intended to make the activities of labor unions amenable to the provisions of the act, without clear language to that effect.

So much for the consciences of judges sitting in district courts. The Supreme Court of the United States sitting in equity, obeying its conscience and applying the rule of reason, found nothing wrong with the Steel Trust (United States *v.* United States Steel Corporation et al., 251 U. S. 417), denied the prayer for an injunction and the motion for its dissolution; while in the Bedford Cut Stone case (Bedford Co. *v.* Stone Cutters Association, 274 U. S. 37) it rejected the application of the rule of reason and sent the stonecutters back to work in order to protect the sales values of the partly cut stone.

Coming to the Debs case (158 U. S. 564) Judge Woods denied absolutely the construction that had been placed upon the section by Judge Putnam, and in so doing used the following language:

That the original design—

Says Judge Woods—

to suppress trusts and monopolies created by contract or combination was adhered to, is clear; but it is equally clear that a further and more comprehensive purpose came to be entertained, and was embodied in the final form of the enactment. Combinations are condemned, not only when they take the form of trusts, but in whatever form found, if they be in restraint of trade.

An injunction was issued and disobeyed. As a result, Eugene Debs was sentenced to six months' imprisonment for contempt. The case came to the Supreme Court of the United States on the claim that the commitment was not within the constitutional power and jurisdiction of the circuit court. A serious objection to equity jurisdiction was raised on the ground that it afforded the court a right to punish for contempt, which denied the right of trial by jury. The point was overruled by the court, and the case came to the United States Supreme Court on the ground of whether the court had jurisdiction or not. The court held that jurisdiction had been conferred by section 4. The conviction was upheld. The court held further that it had no power to review the facts that caused the sentence for contempt. Thus, by conferring equity jurisdiction on the courts for the purpose of preventing the violation of the Sherman Law, Congress swept away trial by jury.

In the Bucks Stove and Range case (Gompers *v.* Bucks Stove & Range Co., 221 U. S. 418) the American Federation of Labor was enjoined from publishing the name of the Bucks Stove & Range Co. as "unfair" on its "We do not patronize" list. These activities, according to the allegations of the plaintiffs, were very effective; many orders were canceled, and the company's business in general suffered considerable diminution. The injunction was disregarded, and Gompers, Mitchell, and Morrison were adjudged guilty of contempt of court and sentenced to prison for 1 year, 9 months, and 6 months, respectively. (221 U. S. 418.) On a writ of certiorari the case was brought before the Supreme Court. Here the chief argument of the plaintiffs in error was based on the contention that the injunction constituted an abridgment of their constitutional liberty of speech and freedom of the press; that the injunction as a whole was a nullity, and therefore no contempt proceedings could be maintained for any disobedience of its provisions.

The court, however, took an entirely different view of the question at bar. The injunction, the court said, raised no question as to the abridgment of free speech, but involved "the power of a court of equity to enjoin the defendants from continuing a boycott which, by words and signals, printed or spoken, caused or threatened irreparable damage." Thus the amendment to the Constitution guaranteeing free speech and free press is swept away by Congress in conferring equity jurisdiction on the court in order to prevent the violation of a criminal statute.

In the case of Duplex Printing Press Co. *v.* Deering (254 U. S. 443–465) the Duplex Printing Press Co. brought a suit in equity in the District Court for the Southern District of New York praying for an injunction to restrain a course of conduct carried on by defendants in that district and vicinity in maintaining a boycott against the products of complainant's factory in furtherance of a conspiracy to injure and destroy its good will, trade, and business—especially to obstruct and destroy its interstate trade. The district court denied the injunction on the grounds which it found in the Clayton Act. An appeal was taken, and the court of appeals, in a decision of two to one, upheld the lower court. The case then came to the Supreme Court. Equity is concerned with the protection of property, and here is a question in which there is no injury contemplated or threatened to the property as such. The trouble which the company had was that if the defendants were conspiring at all, they were conspiring to leave the printing press alone. That the company would suffer in its business by such a conduct is undeniable. If the press was not hauled from the railroad depot where its interstate transportation ended to the place where it was to be set up and used, and if no mechanics were willing to set it up or repair it, and if no pressmen were willing to use it, it is manifest that its sales price would materially suffer, if not vanish. Congress having conferred equity jurisdiction on the court for the purpose of preventing violations of the Sherman antitrust law, it had in fact authorized the court to hold that good will, trade, and business is property. This the court did in the following language:

> That complainant's business of manufacturing printing presses and disposing of them in commerce is a property right, entitled to protection against unlawful injury or interference; that unrestrained access to the channels of interstate commerce is necessary for the successful conduct of the business; that a widespread combination exists, to which defendants and the associations represented by them are parties, to hinder and obstruct complainant's interstate trade and commerce by the means that have been indicated; and that as a result of it complainant has sustained substantial damage to its interstate trade, and is threatened with further and irreparable loss and damage in the future is proved by clear and undisputed evidence. Hence the right to an injunction is clear if the threatened loss is due to a violation of the Sherman Act as amended by the Clayton Act.

Having made the case equitable by deciding that good will, trade, and business are property, the court proceeds to review the Clayton Act in its bearing upon the Sherman Act, and comes to the conclusion that the Sherman Act was extended by so amending section 4 of the Sherman Act that private parties could maintain a suit for an injunction. While, under common law, conspiracy in restraint of trade is a criminal offense and may be punished by the law courts as such, Congress by including it in section 1 of the Sherman Act, and then authorizing the use of the equity power and proceedings to prevent its violations, had left the road clear to set aside the thirteenth amendment to the Constitution of the United States, providing that—

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

This was done by the injunction ordering the workers to cease their conspiracy of inaction. The workers had no means of proving their obedience to the injunction, except by moving, setting up, repairing, and using the press. If they refused, they would be disobeying the injunction, and would be sent to prison for contempt. Thus did Congress, in enacting section 4, sweep away the protection which the thirteenth amendment is supposed to give to all persons within the United States.

In the case of the Bedford Cut Stone Co. *v.* Journeymen Stone Cutters' Association of North America (274 U. S. 37), decided April 11, 1927, the court follows the reasoning used and decision uttered in the case of Duplex Printing Press Co. against Deering. According to the dissenting opinion, Congress in passing the Sherman Act "created a condition that reminds of involuntary servitude." In this case there were no threats, no intimidations, and no direct interference with the products of the company; such interference as there was consisted in refusing to finish the cutting of the stone so that it might be placed in the building. It was not in the doing of something injurious to the property. It was the failure to do the thing which the company desired done, which resulted in loss and injury to the company. The only way in which the company could be served by the court was in some way to compel those who had the necessary skill to do the work to do it. The constitutional provision of the Stone Cutters' Union, when adopted, was not directed specifically against the Bedford Cut Stone Co.; it was a voluntary agreement adopted by the members of a voluntary association to the effect that no individual member would finish the cutting of stone, the cutting of which had been begun by men hostile to their organization. If it be true that an act done by an individual is perfectly lawful and in accordance with the Constitution of the United States, it certainly ought to be true that the nature of the act can not be changed when two or more agree to do the same act. To deny this is to deny the fundamental American concept of individual freedom; and when applied to any calling or occupation when it manifestly could not be applied to others because they have not the skill, it is a discrimination against those who have the skill and a denial of equality before the law or the protection of equal law.

Article III, section 1, of the Federal Constitution, provides that:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Thus the Constitution limits the judicial power to the courts. That power is dormant, however, until Congress calls it into action under tribunals constituted by the Congress. Thus Congress may designate judicial tribunals in which certain causes may be adjudicated within the limits prescribed by the Congress.

The judicial power of the courts extends to certain cases, namely, cases in law and equity arising under the Constitution; to treaties made; to all cases affecting ambassadors, other public ministers, and consuls; and to all cases of admiralty and maritime jurisdiction. The judicial power also extends to all cases arising under the laws of the United States, and to controversies involving the United States or between the States, or under diversity of citizenship, and similar classes of controversies. (Art. III, sec. 2, Constitution of the United States.)

Thus when the Congress conferred upon the courts injunctional jurisdiction under the Sherman antitrust law, the judicial power of the courts was brought into being practically without limit or restraint. Should section 4 of the Sherman law be repealed, then there will cease to be a law of the United States of the same or similar character, and hence the judicial power will not extend in such class of controversies beyond the period of the law.

In other words, when there is a law of Congress the judicial power extends to all cases under that law, by constitutional authority. When that law terminates, there can be no case to which the judicial power is extended. When the law ceases, the judicial power dies with it. Therefore, so far as concerns extending the judicial power to cases arising under the laws of the United States, the Congress is the creation, the resurrection, and the life of such judicial power.

The creature of Congress, section 4 of the Sherman law, has been a wicked weapon applied by the courts to the workingman, while predatory wealth, marauding in the form of trusts and monopolies, has been treated mercifully and with compassion—mercifully in the dismissal of complaints, and with compassion in consent decrees.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. THOMAS of Idaho. Mr. President, I submit a statement by Mr. A. M. Loomis, secretary of the National Dairy Union, relative to the flexible tariff, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the statement was ordered to lie on the table and to be printed in the RECORD, as follows:

THE NATIONAL DAIRY UNION,
OFFICE OF SECRETARY,
Washington, D. C.

To the Members of the United States Senate.

GENTLEMEN: The writer represents in Washington the American Dairy Federation, a federation of national organizations in the dairy industry (see list of attached), the National Dairy Union, made up of creameries located in almost every State in the United States, and the American Association of Creamery Butter Manufacturers, made up of the manufacturers of something like 700,000,000 pounds of butter annually, about one-half of all that is made in the United States.

Taking cognizance of the differences of opinion which have developed as to the continuance of the flexible tariff proviso of the present tariff law, of efforts which are being made to improve it, and of other efforts which are being made to destroy it, it becomes a duty which our great industry owes to Congress and to the public to state briefly our views and our wishes in this regard. In making this statement I speak generally for the federation, as I do not have specific authority to represent its units, but I speak definitely for the National Dairy Union as its secretary, and for the American Association of Creamery Butter Manufacturers as its Washington representative.

The dairy industry of the United States has been in close contact with the operations of the flexible tariff proviso of the present law. Various sections of the industry have prosecuted cases which have won for the industry great benefits. Other sections of the industry have defended themselves against cases brought by other interests, and while concerned about the necessity for such action, have found that the law and its operation and application was fair, impartial, and capable of being handled so that substantial justice followed.

We have found that the law which was passed as a trial method to provide for essential changes in tariff rates between times of congressional revision was cumbersome and in part ineffective. We have also found that under this law agricultural people bestirred themselves to look after their own interests, and that as a result agriculture is now substantially represented on the commission, and that the commission has done much good work.

While we have experienced the defects of the present law we have found that even in its present form it was much better than being forced to wait years for general congressional revisions when economic conditions had changed so that certain details of existing rates were made entirely inadequate.

We believe that the defects of the law can be in the main remedied by the wisdom of its friends in the Senate, so that the Tariff Commission can act safely, rapidly, and certainly when tariff changes are necessary, and act in such a way that they will fully represent Congress. The substitution of a full survey of the competitive conditions in the domestic market as to any specific commodity, which, of course, includes both domestic and foreign costs of transportation to such market instead of the impossible-to-ascertain "foreign costs of production" will undoubtedly go far toward such a most desirable end.

The executive action by the President, who is charged as to all acts of Congress with power of approval or veto, is a necessary concomitant of any flexible tariff law. To await any slower method of putting a needed change into effect is to waive the necessity for the law itself. To apply changes automatically, would deny the application to a delegated act of Congress of the veto check which is an essential unit in the whole constitutional system of checks and balances.

The position of our industry therefore is that a flexible proviso better than the present one, corrected to provide for more definite and effective administration should be written and remain in the bill; that substantially the same kind of a Tariff Commission as now exists should be continued; and that the right of approval or veto, and if approval, of enforcement of recommended tariff changes should continue in the hands of the President.

Yours respectfully,

A. M. LOOMIS.

LIST OF ORGANIZATIONS MAKING UP THE AMERICAN DAIRY FEDERATION

"The American Dairy Federation" is a comprehensive organization of the dairy industry. It is made up of national organizations in various branches of this industry, including the following:

MEMBER ORGANIZATIONS

Allied States Creameries Association; American Guernsey Cattle Club; Ayrshire Breeders' Association; Certified Milk Producers Association; Dairy and Ice Cream Machinery and Supplies Association; International Association of Milk Dealers; National Association of Ice Cream Manfacturers; National Creamery Butter Makers Association; National Dairy Council; American Association of Creamery Butter Manufacturers; American Jersey Cattle Club; Brown Swiss Cattle Breeders' Association; Dairy Farm and Trade Press; Holstein-Friesian Association of America; National Association of Dairy Supply Houses; National Cheese Institute; National Dairy Association; and National Dairy Union.

HONORARY MEMBERS

American Dairy Science Association; Bureau of Agricultural Economics, United States Department of Agriculture; and Bureau of Dairy Industry, United States Department of Agriculture.

EXECUTIVE COMMITTEE

A. J. Glover, Fort Atkinson, Wis., chairman; C. Oscar Ewing, Louisville, Ky.; W. L. Cherry, Cedar Rapids, Iowa; E. M. Bailey, Pittsburgh, Pa.; C. L. Hill, Rosendale, Wis.; George L. McKay, Chicago, Ill. (deceased); and W. A. Wentworth, Columbus, Ohio.

Yours respectfully,

A. J. GLOVER, *President.*
A. M. LOOMIS, *Secretary.*

Mr. BROUSSARD obtained the floor.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. BROUSSARD. I yield.

Mr. McKELLAR. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	Kendrick	Sheppard
Barkley	George	Keyes	Simmons
Bingham	Gillett	King	Smith
Black	Glass	La Follette	Smoot
Blaine	Glenn	McKellar	Steck
Blease	Goff	McNary	Steiwer
Borah	Goldsborough	Metcalf	Stephens
Bratton	Gould	Moses	Thomas, Idaho
Brock	Greene	Norris	Thomas, Okla.
Brookhart	Hale	Nye	Townsend
Broussard	Harris	Oddie	Trammell
Capper	Harrison	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Couzens	Hayden	Pine	Walcott
Cutting	Hebert	Pittman	Walsh, Mass.
Dale	Heflin	Ransdell	Walsh, Mont.
Dill	Howell	Reed	Warren
Edge	Johnson	Robinson, Ark.	Waterman
Fess	Jones	Robinson, Ind.	Watson
Fletcher	Kean	Schall	Wheeler

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The Senator from Louisiana [Mr. BROUSSARD] is entitled to the floor.

Mr. BROUSSARD. Mr. President, we have been several months engaged in this special session, the object and purpose of which was expressed by the President of the United States in his proclamation convening the Congress, issued on the 7th of March, 1929, as follows:

> Whereas legislation to effect further agricultural relief and legislation for limited changes of the tariff can not in justice to our farmers, our labor, and our manufacturers be postponed: * * *

and as further specified in his message to the Congress, dated April 16, 1929, as follows:

> In considering the tariff for other industries than agriculture, we find that there have been economic shifts necessitating a readjustment of some of the tariff schedules. Seven years of experience under the tariff bill enacted in 1922 have demonstrated the wisdom of Congress in the enactment of that measure. On the whole it has worked well. In the main our wages have been maintained at high levels; our exports and imports have steadily increased; with some exceptions our manufacturing industries have been prosperous. Nevertheless, economic changes have taken place during that time, which have placed certain domestic products at a disadvantage and new industries have come into being, all of which creates the necessity for some limited changes in the schedules and in the administrative clauses of the laws as written in 1922. * * *

This latter reference appears in the message after the President had referred at length to the unsatisfactory and almost desperate condition of agriculture in the country, and the necessity amply to protect agriculture by the advancement of rates on the products of the farmer.

Realizing fully the competition of products of the Philippine Islands with our agricultural products, I determined to do whatever I could to remedy the matter and to grant relief to the farmers of the Nation. Consequently, on September 9, 1929, I offered an amendment to the pending tariff bill (H. R. 2667) providing that all products of any kind whatsoever of the Philippine Islands entering the United States should pay the duties specified under said act.

Realizing subsequently that the purpose of this special session of Congress was not limited to the consideration of agricultural provisions, and not having in mind any purpose to deprive industry of such markets as would benefit them, I came to the conclusion that a redraft of my amendment was necessary. This amendment was redrafted and provides that the products from the Philippine Islands shall pay the duty provided under the act, but that the revenue derived therefrom shall be segregated and returned to the treasury of the Philippine Islands in consideration for which return of taxes goods from the United States shall enjoy the privilege of free entry into the Philippine Islands. These proposals seem to me necessary in view of the absolute disregard on the part of the United States Government of promises made to the Filipinos and to the world to give independence to the Philippine Islands as soon as they were capable of self-government. Believing, Mr. President, that the Filipinos possess now and have for some time demonstrated their capacity for self-government, I have offered another amendment, which is now pending and reads as follows:

That the President of the United States is authorized and requested to invite the governments of Great Britain, Japan, Italy, and France to send representatives to a conference, which shall be charged with the duty of entering into an agreement to guarantee the independence of the Philippine Islands. Such agreement shall be reported to the respective governments for their approval.

Mr. President, I have no pride of authorship in this matter. My sole purpose is to secure relief for our farmers. I shall appreciate any valuable suggestion, and will be glad to modify my amendments if it is shown that they may be improved.

PHILIPPINE INDEPENDENCE

Mr. President, it has long been known to the world that the Filipinos desire independence. They have appeared session after session of Congress before committees having jurisdiction over this matter, and have demonstrated that the Filipinos are unanimous in their demand for independence.

I have been a member of the Committee on Territories and Insular Possessions ever since I came to the Senate, and there have been pending joint resolutions in one form or another proposing to grant independence to the Filipinos during that entire period. As early as January 25, 1901, Senate Resolution 155 was introduced, reading as follows:

Resolved, That justice, the public welfare, and the national honor demand the immediate cessation of hostilities in the Philippine Islands upon terms recognizing the independence of the Philippine people and conserving and guaranteeing the interests of the United States.

This resolution was debated but no action taken thereon.

The junior Senator from Utah [Mr. KING] has on several occasions introduced bills providing for the withdrawal of the United States from the Philippine Islands. Ever since I have been on the Committee on Territories and Insular Possessions it has been my belief that the committee of the Senate at least has favored carrying out the pledge of the people of the United States to the Filipinos.

Mr. President, I favor granting independence to the Filipinos not only because we have promised by a solemn declaration of the Congress, approved by the President of the United States, to grant them independence, but, moreover, because the Government, under the administration of President Wilson, after thorough investigation through the President, informed the Congress that all conditions upon which independence was promised under the Jones Act had been fulfilled, and the Congress was asked to carry out its part of the obligation, which, by the way, has been ignored by the Congress.

Mr. President, there is no place in this Republic for a dependent colony. We repudiated the colonial idea when we separated from the British Empire. Our ideal, as demonstrated by the past, has been a country of free States and Territories, each an integral part of the Nation, between which free trade is provided. Of all territories acquired by us, Mr. President, the Philippine Islands is not only unincorporated territory but is the only one, since Cuba has been granted its independence, to whom independence was promised.

We have no legal or moral right to hold the Filipinos a dependent people. Not being an integral part of the Nation and our country not an empire with dependent colonies, but a Republic composed of free States and Territories, we should take immediate steps to grant them independence. We have not exploited the Filipinos. To the contrary, the administration of their government has been very costly to us.

It will be stated, no doubt, that the Filipinos are not capable of self-government, but that they desire independence will certainly not be denied.

Mr. President, the Filipinos, in addition to repeated and persistent demands made of the Congress for independence, without success, are now appealing to the public opinion of the world. I hold in my hand a special edition of the Independent, which is a leading Filipino weekly of Manila. This special edition is printed in Paris, and each article printed therein appears in the English, French, and Spanish languages. Their purpose is to build public opinion in favor of their independence by demonstrating to the world their capacity for self-government and our gross disregard of a solemn pledge and promise to them.

On the front page appears a photograph of their former President, Emilio Aguinaldo, who makes an appeal in three languages for independence to the people of the world. It is a very short appeal and I shall read it:

The question of our freedom is so nebulous, and it has always been so, that the more campaigning is undertaken in its behalf the further it recedes from our sight. The frequent changes of front in our policies are so sudden that they can not but scandalize the most indifferent and apathetic observer. Political consistency and principles are being shattered by the blows of personal convenience. But the Filipino people have never changed and continue aspiring for the immediate restoration of the Republic founded in 1898 at the cost of so much bloodshed. It is true some of the leaders falter, but the people are inalterable.

EMILIO AGUINALDO.

Mr. President, in addition to the appeal of the former president of the Philippine Republic, there are editorials and articles specially prepared for this special edition by the president of the Philippine Senate, the secretary of finance, the president of the State university, several legislators, and other prominent men and women in public life of the Philippine Islands.

In order that the Senate may grasp the purpose and object of this periodical, I shall read the introduction:

INTRODUCTION

With the founder of The Independent in Europe, there is published in Paris this special edition with the sole object of bringing before the opinion of the civilized world, outside the United States, to whose sovereignty the Philippine Archipelago has been submitted since 1900, the status of the national problem of those islands of the oceanic. We believe that it faithfully interprets the ideas, sentiments, and aspirations of our native land before the world, and this conviction is fully corroborated by the fact that in this special edition of the publication appear articles expressly written for the same by the men prominent in the national politics of the Philippines, among whom are the president of the senate, the secretary of finance, the president of the State university, several legislators, and other men in public life who have held, or who are actually holding political posts of the greatest responsibility in our country. Each one of these articles is an exposition of a phase of the question of national independence, and together they form a comprehensive discussion of the problem.

We, in this Paris edition, desire nothing but to inform all the civilized nations, in particular, about our country, its history, its aspirations, the present status of the national problem, and of everything that, related to the destiny of our country, will serve to guide world public opinion as to the justice of the cause of our liberty and independence. We would arrest the attention of all the free nations, as also of those that are not, and we hope that in this way we shall win a universal sympathy in favor of our national cause, without in any way putting in a bad light the great Nation that has imposed upon us its sovereignty, before the other nations. The motive that urges us to appear before the tribunal of the entire world is the conviction that our cause is just and that our aspiration to independence is natural, logical, and necessary for the realization of the ideals of good will among the nations, the promotion of the welfare of the world and universal peace and the maintenance of the national rights of every State, whatever may be its system of government.

The Filipino people, believing that it has a right to erect itself into a national entity with a personality of its own, and to be received in the concert of free and independent nations, and that hopes for the recognition of this right and the realization of this aspiration through the moral support of a world opinion, and the good will and the sense of justice of the people of the United States, greets all the nations of the world, wherever there lives a man honest and loving liberty, peace, justice, and the progress of humanity.

There appear other editorials. The one entitled "The Philippines Under Spanish Sovereign" sets out that Spanish rule for three centuries "was, on the whole, beneficial to the Filipinos" and that under their rule they had become a homogeneous people, "possessing all the characteristics necessary to the existence of a civilized nation."

Next our attention is called to their own government established by them before September 18, 1898, the date of the capture of Manila by United States troops, which government they claim was recognized by the whole archipelago, both Christian and non-Christian. The form of their government is extensively described and Spanish rule again commended. Reference is made to hostilities against Americans in January, 1899, which ended in 1901.

Mr. President, reference is made to the Cooper Act, the first organic law of the islands under American domination; also to the Jones Act. In order that the Senate may know, without referring to the periodical I hold in my hand, the argument made on behalf of independence, I shall read portions of the editorials:

The great successes, of which the Americans are proud with respect to the government of the islands, should be assigned to this understanding between the government and the people as to the essential principles of democracy. The dominators found the field clean, cultivated, and fertilized and ready for planting and for the greatest progress in constitutional progress; and so, after a decade of experiment in the exercise of many political rights indispensable in a republican régime under the Cooper Act, the Jones law was promulgated in 1916, in which the Congress of the United States solemnly declared in its preamble:

"Whereas it has never been the intention of the people of the United States at the inception of the war with Spain to engage in a war of conquest or territorial aggrandizement;

"Whereas it is and it has always been the purpose of the people of the United States to renounce their sovereignty over the Philippine Islands and to recognize the independence of the same as soon as a stable government has been established therein;

"Whereas it is necessary for the early realization of this purpose to give the Filipino people as ample powers as are consistent with the exercise of the sovereignty of the United States, to the end that with the exercise of popular suffrage and of governmental powers the Filipino people will be better prepared to assume responsibilities and to enjoy the privileges of absolute independence."

The appeal made by Manuel L. Quezon, president of the Philippine Senate, is entitled "To the Foreigners," which I desire to read in full:

TO THE FOREIGNERS

Assuredly I find much merit in the initiative of the founder of The Independent, Don Vicente Sotto, to publish a special edition of that weekly in Paris. A happy idea this, for it will bring about the exceptional opportunity of making known in the Old World the aspirations to liberty of the Filipino people.

I would make use of this occasion to reiterate and to affirm what many times I have said on what I think and what I believe the 12,000,000 Filipinos think and believe with respect to their political status; namely, that whatever be the solution proposed to us for the present relations between the United States and the Philippines, the Filipino people will never accept any proposal except on the basis of their complete and absolute liberty. I reiterate also what I have said once, that I prefer for my country a government run like hell by Filipinos to a government perfect but in the hands of aliens. This is not preaching Boxerism, nor does it involve hate of the foreigners. This is simply the consequence of the natural desire of every man to see his country free and sovereign in matters of its own destiny.

The foreigners who are living in the Philippines should not have any preoccupations in the face of an impending independence for the islands. The fact of the matter is that there is warranty for the assurance that alien interests would be well protected under a Filipino government as they had been in the past and they would be under any government of order and law. This has been shown during the brief existence of the Philippine Republic. Under the protection of that Republic, no alien property has suffered from any overt act of the Filipino government, and if there have been abuses, the government never left them unpunished or uncorrected. And if this obtained under abnormal conditions, with more reason the aliens in the Philippines can expect the same protection the day the Filipinos have a government of their own, run in peace and established on a stable basis.

MANUEL L. QUEZON,
President Philippine Senate.

Next is a special article prepared by Miguel Unson, secretary of Finance of the Philippine Islands, entitled "Philippines Can Maintain an Independent Government."

For the information of the Senate, I desire to offer the article as an exhibit to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit E.]

Mr. BROUSSARD. The next article, by Rafael Palma, president University of the Philippines, is entitled "The Philippine Problem. The Filipinos look to Europe for sympathy and support." For the information of the Senate I shall read an extract from this article:

Since American occupation the Filipinos, having been given the opportunity, have shown ability to manage their own affairs. American authorities have recognized this fact, and in 1916, after a series of internal changes in the conduct of the insular government, in every case tending to give the Filipinos greater participation in the government, and in every case the governed acquitted themselves admirably, the American Congress passed the Jones law, the preamble of which formally and solemnly promised independence as "soon as a stable government has been established therein." Repeated insistence on the part of the representatives of the Filipino people of the existence of a stable government has not brought adequate realization. Can any one deny the existence of a stable government in the islands to-day? Even the late President Woodrow Wilson had attested before the Congress of the United States of the fulfillment of the condition demanded in the Jones law. Peace is patent everywhere in the islands. Justice is administered equally. Foreigners are recipients of the most just and reasonable dealings. Protection is extended them in every case. No disturbance of any significance has been registered for the last 20 years. In fine the government is as stable and as able as can be desired. With the exception of the Governor General and a few other appointees of the President of the United States, the whole government is in the hands of Filipinos. The law-making body, the Philippine Legislature, is entirely Filipino in membership; the executive departments, except one, are managed by Filipinos; the judiciary, including the supreme court, where a majority native membership exists, is also in the hands of Filipinos. No better proof can be shown of Filipino capacity for self-government.

I ask that the entire article entitled "The Philippine Problem" may be printed as an exhibit to my speech.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit F.]

Mr. BROUSSARD. The next article is by Jorge Bocobo, dean of the college of law of the University of the Philippines, and is entitled "The Filipino Demand for Independence." I wish to read extracts from it which seem to me to have special bearing on the discussion:

President Wilson in a message to the Filipinos on October 6, 1913, declared:

"Every step we take will be taken with a view to the ultimate independence of the islands and as a preparation for that independence."

In August, 1916, the American Congress passed the Jones law entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands." The preamble of that law declared that "It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty as soon as a stable government can be established in the Philippines."

The Filipino people accepted this pledge made by the American Congress as a covenant between the two countries. The Filipinos proceeded to establish a stable government in order to meet the only requirement laid down by the Congress of the United States. And in December, 1920, President Wilson in his message to Congress certified that the Filipino people had complied with the condition precedent to independence. He said:

"Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and have thus fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

Eight years have passed since this official declaration by that great statesman, President Wilson, and although the Filipino people have continuously petitioned the redemption of America's pledge, the promise remains unkept. Little wonder, then, that the Filipinos should believe that the United States has failed to abide by its own promise, solemnly made by its own Congress.

I desire to have the whole of this article printed as an exhibit to my remarks so that the Senate may be fully informed of its contents. I ask that this may be done.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit G.]

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. BROUSSARD. I yield.

Mr. KING. The Senator will recall that when the question of dealing with the Philippine Islands was before the Senate growing out of the treaty of Paris, perhaps the most eloquent speeches that were delivered in this body were by Senator Hoar, of Massachusetts. He at very great length went into the character of the government then existing under Aguinaldo in the Philippines after they had won their independence from

Spain. The Senator will recall that he insisted that the United States should not take control over the Philippine Islands or annex them but that the government which they had set up, which they had won on the field of battle against the forces of Spain, should be recognized. His appeals unfortunately fell upon deaf ears and under the treaty of Paris we took over sort of a sovereignty or control over the Philippine Islands, and in violation of pledges which have been constantly made we are still retaining control, and there are some in the United States who are insisting that we shall never take down the flag there.

Mr. BROUSSARD. I remember that fact, and I thank the Senator for his contribution.

Mr. President, in order that the editorials in their entirety may be used for reference by anyone interested in this debate, I ask that the following editorials in full, entitled, respectively, "The Philippines Under Spanish Sovereign," "The Philippine Constitution," "The American Sovereignty," "Under the Jones Law," and "The Filipino People Hopes and Waits," be printed in full as exhibits to my speech.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibits H, I, J, K, and L.]

Mr. BROUSSARD. Mr. President, I desire also to read the comments of Mr. John Barrett, late director of the Pan American Union, and of Admiral Dewey on the capacity of the Filipinos for self-government:

> It is a government which has practically been administering the affairs of that great island, Luzon, since the American possession of Manila, which is certainly better than the former administration. It had a properly formed cabinet and congress, the members of which, in appearance and manners, would compare favorably with the Japanese statesmen.
>
> Admiral Dewey, after studying Philippine conditions during the Spanish-American War, spoke of the Filipinos as follows:
>
> "In my opinion these people are far more superior in intelligence and more capable of self-government than the natives of Cuba. I am familiar with both races."
>
> General Merritt, on his arrival in Paris in October, 1898, was reported as saying:
>
> "The Filipinos impressed me very favorably. I think great injustice has been done to the native population. They are more capable of self-government than, I think, the Cubans are. They are considered to be good Catholics. They have lawyers, doctors, the men of kindred professions, who stand well in the community, and bear favorable comparison to those of other countries. They are dignified, courteous, and reserved."

There is an appeal also made by Miss Pilar de los Reyes, entitled "An Appeal to the European Woman." I desire this article to be printed as an appendix to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit M.]

Mr. BROUSSARD. I think that the portions I have quoted should be sufficient, without referring to others, to show the attitude of the Philippine people with reference to their independence.

I am sure that no member of the Finance Committee present at the late hearings on the tariff bill now pending failed to be impressed with the earnestness and the love of country exhibited by the speaker of the House of Representatives of the Philippine Islands when he appeared before that committee. Speaker Roxas declared that it was the universal desire of the Filipinos to have their independence, and he challenged the Congress to authorize a plebiscite, promising to stake the liberty of his country on the outcome of a referendum on this question. Mr. President, I shall read the exact language used by Speaker Roxas on page 228 of the hearings before the Committee on Finance, Seventy-first Congress, first session:

> And yet, Mr. Chairman, I declare here and now, I am heart and soul for Philippine independence.
>
> The same is true with regard to the whole Filipino people. The Philippine Legislature, by unanimous vote, approves at every session, a petition for Philippine independence. If there exists the slightest doubt as to the sincerity of the Filipino people in their desire for the priceless boon of freedom, I would stake the liberty of my country on the outcome of a plebiscite or referendum on this question. If my people are so vain, so unpatriotic as to sell their birthright for whatever favors or bribes selfish interests may offer them—then they are not worthy of independence and I would be the last again to raise my voice for it.
>
> I want to rest my case on that, Mr. Chairman. If Congress really wants to know what my people think of independence, let Congress authorize a plebiscite.

Referring to the minor part now being played by American citizens in the government of the Philippine Islands, I wish to read also on the same page what Speaker Roxas had to say:

> Mr. ROXAS. All the officials in the Philippine Islands are Filipinos, with the exception of the governor general, who is an appointee of the President; the vice governor general, the insular auditor, who corresponds to your Comptroller General; five members of the supreme court; and two or three American bureau chiefs who, on account of their length of service and demonstrated technical ability, have been retained in the government service, and a few judges.
>
> Senator WALSH of Massachusetts. By the Philippine government?
>
> Mr. ROXAS. By the Philippine government.
>
> Senator WALSH of Massachusetts. All the heads of the health and school departments, and public welfare departments, are Filipinos?
>
> Mr. ROXAS. The head of the bureau of education is an American. The head of the health bureau and of the public welfare office are Filipinos.
>
> Senator WALSH of Massachusetts. Then, nearly 99 per cent are Filipinos?
>
> Mr. ROXAS. I think it is more than 99 per cent. Outside of school teachers, I do not believe there are more than about 25 Americans now in the whole insular service.

Further on he explains that these men are not retained by the American Government but by the Philippine government because of their special qualifications for the services in which they are engaged.

Mr. President, I have offered this amendment proposing to set in motion the machinery which I hope will result, either at this time or later, in giving independence to the Filipinos. Under the amendment which I have proposed the President is requested to call together the powers party to the Pacific pact and to propose that they unite in guaranteeing the maintenance of the independence of the Philippine Islands. It is my belief that these powers have merely to signify their willingness to insist that the Filipinos remain independent and that guaranty will be sufficient not only to preserve independence to them but will be an assurance to the Filipinos themselves and to foreign capital, which they so sorely need, to permit the development of those rich islands to their maximum production, thus affording to the Filipinos independence, freedom, and prosperity.

Mr. President, it has been my privilege to be on committees which have in executive session investigated possible conditions which might at any time confront this Nation. History is too full of examples which have altered the destiny of nations to caution us not to fall into the error of thinking that other people are less intelligent or courageous than we are. When we engaged in war with Spain the first blow we struck was at its most distant possession. There are many strategical reasons why any nation that may become involved in war with us would follow the same course. Even a medium-rate power could easily, at the beginning of hostilities, take the Philippine Islands from us. If such an unfortunate event should occur, the honor of this Nation would demand that we retake them. They are so distant from our shores, with the closest base to them in the Hawaiian Islands, several thousand miles away, that it would cost us much blood and treasure to recapture them. And even if we did, on the urgent demand of honor, retake them, we would again find ourselves confronted with the promises of our Government to grant them their independence.

There is no necessity for us to continue having a possession in the Orient which, under the Pacific pact, we have not even the right to protect by additional fortifications. The Philippines have always cost and are still costing the American people enormous sums of money. We have promised to give them independence, and unless we shall change our policy and establish an empire, every day that we hold the Philippines is increasing the danger to which we are exposing ourselves by holding territory which may be seized from us at any time.

If the Members of the Senate would inquire, Mr. President, of those charged with the duty of defending American territory and possessions, they will find that it is the opinion of those whose duty it is to study such matters and to plan offensive and defensive measures that it would be unwise, with the consent of the Filipinos, for us even to keep harbors and fortifications on these islands. The main island of Luzon, like all the other hundreds of islands, has many deep ports, and whereas we could by amending the Pacific pact fortify some harbor safely to hold it against a naval attack, it would be necessary for us besides to maintain a large army in the Philippine Islands to protect the harbors reserved from land attack and destruction from land forces. These are problems which have received the serious consideration of the Committee on Territories and Insular Possessions, and I believe that it is not disclosing the secrets of these sessions to say that I at least was impressed with the utter impossibility of defending and holding the Philippine Islands against any one of the first-class powers without the expenditure of enormous sums of money and the sacrifice of an unnecessary number of American soldiers.

I do not see anything to be gained by holding the Philippines, and I hope that this amendment proposing to grant them their independence by requesting the President to confer with the Pacific pact powers in order that the independence granted the Filipinos may be preserved and they may reap the benefit of the humanitarian work we have done in building up their citizenship and in inaugurating and completing improvements for their benefit.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. BROUSSARD. I yield.

Mr. KING. Apropos of the statement as to the difficulty of defending the Philippine Islands, President Roosevelt in 1917, in a number of signed articles, which were afterwards incorporated in one of his books, discussed the question of the disposition of the Philippine Islands. First, he said that we had made a promise to grant them independence and that as an honorable nation that promise must be redeemed. Secondly, he said that the Philippines were to us the Achilles heel and that in the event of an attack it would be almost impossible for the United States to defend the Philippine Islands; they were a source of weakness instead of a source of naval strength. Therefore, because of the solemn promise which we had made that they should have their independence and, secondly, because of the difficulty if not the impossibility of defending the islands in the event of an attack, he favored the redemption of the promise and the giving to the Filipinos their independence.

May I add, with the permission of the Senator, that since then in the treaty which was entered into at the disarmament conference there was a solemn agreement that we should not fortify the Philippine Islands? We are, therefore, precluded under that treaty from fortifying them, so that it is obvious, in the event of an attack by a naval power of any considerable strength, we would experience very great difficulty in maintaining control over the Philippine Islands.

Mr. BROUSSARD. It is true, Mr. President, as stated by the Senator from Utah, that we have entered into a solemn agreement not to increase the fortifications of the Philippine Islands; but even if that agreement were abrogated and were not in effect, it is my honest conviction—and I lived in the Philippines for a year and know the conditions there—that we could not hold those islands without having both more formidable fortifications as well as a fleet there and also a large standing army to protect the rear of the fortifications, all of which would be very expensive to maintain. In case of war, certainly the Philippines would constitute a sufficient attraction to cause any nation of Europe which was capable of reaching there as quickly as we could to attack them and very probably take them away from us before we were prepared to send additional troops and forces there.

But, Mr. President, pending the time when independence may be granted to the Filipinos, it would seem to me that we are confronted with a situation here which is acknowledged to be desperate by the very fact of Congress having been assembled in special session to relieve it. A close study of the problem confronting us discloses that agricultural products in this country are entitled to the American market, which is the best market in the world. We are engaged, Mr. President, in readjusting rates, especially on agricultural products, in order to preserve the American standard of living among the large rural class of our people. It is not only necessary for us to consider measures to relieve our farmers from the competition of foreigners, who use cheap labor and cheaper raw material, but a study of the importations coming from the Philippine Islands will easily convince anyone of the serious danger confronting us because of the free importations of sugar, oils, tobacco, and other agricultural products.

No challenge can be made of the statement that American farmers are seriously threatened by the importation of competing commodities produced in the Philippine Islands. No one will contest, either, the great difference in the cost of production of the competing commodities. Therefore, if we are to protect the American farmer, we must not only protect him against foreign competitors but against competition from the Philippine Islands.

Realizing that American manufacturers are enjoying special privileges in the free importation of their goods into the Philippine Islands, I have concluded that it was not fair to tax Philippine importations into this country and insist upon free importation of American goods into the Philippine Islands. But, Mr. President, it is not fair to the farmer to force him, as in the past, to pay the entire cost incident to the right to import duty free manufactured goods into the Philippine Islands. As usual, the farmer has been made to pay the price of the prosperity of other classes of this country. It is not my purpose to change the situation which gives American manufacturers duty free entry of goods which they sell in the Philippine Islands, but it is my purpose, which I sincerely hope will be successful, that the price of the privilege to import goods from the United States into the Philippines free of duty shall not be paid by the farmers alone, and, in consequence, I have presented an amendment which I propose to offer at the appropriate time.

As the amendment is somewhat long, I ask unanimous consent to have it inserted in the RECORD at this point without reading. I will say that the amendment proposes to strike out section 301 of the pending bill which is based upon the interchange of duty-free commodities. That section provides that for the privilege of our exporting goods into the Philippine Islands duty free the consideration shall be their right to export goods free of any duty into this country. Under my amendment it is proposed that all tariff duties collected on commodities coming from the Philippine Islands, according to the rates enacted under the pending bill, shall be segregated and returned to the treasury of the Philippine Islands for their use in maintaining their government. In other words, Mr. President, the existing law and the proposed law under section 301 as reported by the Finance Committee base the interchange of goods on the theory that one is a consideration for the exercise of the same right on the part of the other. By returning the money which we collect on Philippine imports to the Philippine treasury we can maintain the principle of the exportation of our goods duty free into the Philippines.

The VICE PRESIDENT. Without objection, the amendment intended to be proposed by the Senator from Louisiana will be printed in the RECORD.

The proposed amendment is as follows:

Amendment intended to be proposed by Mr. BROUSSARD to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, viz: On page 280, lines 3 to 25, inclusive, page 281, page 282, and page 283, lines 1 to 3, inclusive, strike out all of section 301, and insert in lieu thereof the following:

"SEC. 301. Philippine Islands: There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That until such time as the Government of the United States shall discharge its promise and obligation to give to the people of the Philippine Islands their independence the duties thus collected shall be paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands: *Provided further*, That in consideration of the revenues thus turned over to the government of the Philippine Islands, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: *And provided further*, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands shall be conditioned upon the direct shipment thereof, under a through bill of lading, from the country of origin to the country of destination: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States, and that its condition has not been changed except for such damage as may have been sustained: *And provided*, That there shall be levied, collected, and paid in the United States upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise shipped from said islands to the United States shall be exempt from the payment of any tax imposed by the internal revenue laws of the Philippine Islands: *Provided further*, That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise, as provided by the laws of the Philippine Islands; and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal revenue laws of the United States: *Provided further*, That in addition to the customs taxes imposed in the Philippine Islands there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise imported into the Philippine Islands from countries other than the United States the internal-revenue tax imposed by the Philippine government on like articles manufactured and consumed in the Philippine Islands or shipped thereto for consumption therein from the United States: *And provided further,* That from and after the passage of this act all internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the insular treasury."

RIGHT TO TAX THE PHILIPPINE ISLANDS

Mr. BROUSSARD. Mr. President, it can not be contended with any degree of accuracy that we have not the right to tax products coming into this country from the Philippine Islands. The very first section of the pending tariff bill, as well as all preceding tariff acts, made an exception of the Philippine Islands. Under this bill the definition of the term "United States" reads as follows:

(h) Definition: When used in this section and in sections 338 and 340 the term "United States" includes the several States and Territories, the District of Columbia, and all possessions of the United States except the Philippine Islands—

And so forth.

There are many instances appearing in the proposed tariff act and previous acts adopted since the Spanish-American War which clearly show that the status of the Philippine Islands is that of an unincorporated possession. It may be added that the Philippines are the only possession of the United States, aside from Cuba, to which independence was granted, to which we have promised independence, and, as I shall later show, until 1913 the Philippine Islands were required to pay tariff duties to the United States Government. But, Mr. President, it is a fact, which may not be disputed, that the Filipinos are insisting upon two outstanding concessions. The first is independence, and the second is the right to send sugar, oils, tobacco, and other agricultural products into the United States duty free. It is useless to call attention to the fact that the two objectives are not compatible and never will be. It is not even good for their welfare that both alternatives should be considered. If they shall be permitted to send their agricultural products into this country duty free until independence can be gained, then some bright morning, when independence shall be granted, they will be faced with the momentous problem of government in their own hands and in addition the task of finding a new market for their products. They should not be encouraged in industries that are dependent upon duty-free importations into the United States. To continue such relations is to encourage the binding of the Philippines closer to the United States every year and postponing their independence. They must not be encouraged to make themselves increasingly dependent, from an economical standpoint, on the United States.

This state of affairs makes ridiculous the statement that the Philippines should be placed on the same trade basis as Hawaii and Porto Rico. The former is a part of the United States through annexation, and Porto Rico is a possession to which we have not promised independence but which, on the contrary, will always remain under control of this country. The situation in the Philippine Islands is entirely different, and friends of the islands are arguing against their independence when they fail to see the distinction. No more effective move against independence could be made than to allow European interests to develop the Philippine sugar and other agricultural industries on the basis of free importation into the United States. That would necessarily unfit the islands for a national status.

Mr. President, much information concerning the relations between the United States and the Philippine Islands is included in the hearings held before committees of Congress on the pending tariff bill. Indeed, so much is contained in those hearings that it is not necessary to use more than a comparatively few to prove that in adopting my amendment there is no deviation from the well-established and recognized right of the Congress to go even further with reference to taxing goods imported into this country from the Philippines.

For instance, at page 9880 of the hearings before the Committee on Ways and Means of the House, Seventieth Congress, second session, commonly known as Tariff Readjustment, 1929, we find that the United States collects $900,000 of taxes on tobacco entering this country from the Philippine Islands, which amount is refunded to the Philippine Islands. Under my amendment a similar situation would prevail as to other imports from the Philippines.

Mr. McKELLAR. Mr. President, do I understand that the Senator's amendment includes both sugar and oil?

Mr. BROUSSARD. It includes every commodity.

The United States Supreme Court has held that the Philippine Islands are unincorporated territory.

The statement appears in the hearings before the Finance Committee on the pending bill, at page 211, that under existing law internal revenue on incomes in the Philippines is collected by the United States and returned to the Philippine government for their uses. Such a custom is equivalent to the levying of an excise tax on the Philippine Islands, and this method may be used toward bringing about the equalization of competitive conditions as between the oil, fats, tobacco, and sugar producers of the Philippine Islands and other competitive products of American farmers.

Mr. President, I desire further to call attention to the fact that for the first 10 years after we acquired the Philippine Islands the United States paid full duty on its products going into the Philippines, but the products of the Philippines coming into the United States paid only 75 per cent of the regular duty in this country, which was a concession given to them similar to the one which was given to Cuba of a 20 per cent differential.

At the expiration of the 10 years in 1909 free trade between the Philippines and the United States was provided for by Congress, but the amount of free sugar imported from the Philippines into the United States was limited to 300,000 tons of sugar per year. There was also a restriction on the importations of rice and tobacco.

Mr. President, there was never complete free trade between the Philippine Islands and the United States until 1913. The 1913 tariff act provided for free sugar in 1916. Therefore, the limitation on sugar was, under the theory of those who wrote the bill, correctly repealed, since all foreign countries were to be allowed to send their sugar here duty free. I may add that at that time there was no duty on vegetable oils; so that at that time there were no competing products upon which the act of 1913 proposed to reenact a tariff that would affect any article shipped from the Philippines except those which that bill provided for.

In 1916 the provision of the Simmons-Underwood bill providing for free sugar was repealed, and by oversight the limitation on the importation of sugar into the United States was not restored. There is an explanation for the lack of interest in this matter, because, although the Philippines were limited under the act of 1909 to 300,000 tons, she never imported into the United States as much as 300,000 tons until 1924. There was no danger to American farmers at that time.

Mr. President, the American Farm Bureau Federation, in convention in Chicago December 10, 1928, declared as follows:

Free trade with the Philippines is injurious to the American farmer, because over 80 per cent of our exports to the Philippines consists of industrial products and 95 per cent of our imports from the Philippines consists of agricultural products.

Thus you see, Mr. President, that the privilege of importing industrial goods into the Philippines is paid for by the farmer whose products are put into free competition with the products of Asiatic labor.

Mr. President, I wish to insert in the RECORD as an exhibit to my speech a brief history of every act of Congress dealing with commodities from the Philippine Islands.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered. [See Exhibit B.]

REASONS FOR TAXING

Mr. BROUSSARD. Mr. President, I wish to devote my attention now to the reasons why it is necessary to impose the tax proposed under my amendment. I shall first take up the question of sugar and later that of vegetable oils, tobacco, and other commodities.

With reference to sugar, it is my purpose to compare the Philippine Islands with the Hawaiian and Porto Rican Islands—not, Mr. President, that their status is the same, because I have already shown that the Philippine Islands occupy a unique position as a possession of the United States—but merely to show what reasons must necessarily control us, even if it be granted for the sake of argument, that the status of all three of the islands are the same, and lead us to deal differently with the Philippine Islands in this legislation.

The annexation of Hawaii was followed in 1898 by the Spanish-American War, and the passing of Porto Rico and the Philippines under our control. Sugar is the principal crop of all these islands. Twenty-five years ago they were making 500,000 tons of sugar, and to-day they are making around 2,000,000 tons a year.

Sugar from Hawaii and Porto Rico was admitted without a duty right from the start. In the case of the Philippines, it was different. Their sugar had to pay the full duty up to March 9, 1902, when they were allowed 25 per cent off the full rate. In

1903 we made a commercial treaty with Cuba by which Cuban sugar was admitted at 20 per cent off the regular rate.

That 20 per cent protection in the United States was a big thing for Cuba, because she could grow sugar more cheaply than almost any other country. It enabled the Cubans to drive all other foreign sugar out of this market, and it gave them a big advantage over the domestic sugar people. The result was that while our domestic sugar industry has grown slowly, the Cuban industry has advanced by leaps and bounds. American capital poured into Cuba until probably $1,500,000,000 is invested in sugar there by Americans; and the Cuban crop went up from 1,000,000 tons in 1902 to over 5,600,000 tons in 1925. The assistance that Congress originally planned to extend to the American farmer was mostly diverted to Cuba.

While the sugar industry in Cuba was growing at a phenomenal rate, Hawaii and Porto Rico were increasing their production of sugar, too, though much more slowly. They had only a limited amount of land available; and to-day they are about up to their limit of production, because they have no more land they can put under cane. With the Philippines it is different. They have a vast amount of uncultivated land and an endless supply of cheap labor—labor that lives under tropical conditions, and not at all in the manner of Americans. It costs less to produce sugar in the Philippines than anywhere else under the American flag—probably little, if anything, more than it costs in Cuba. The Philippines could easily produce 5,000,000 tons of sugar a year, just as Cuba has done; and except for the political uncertainty of their future, capital would have rushed in there and would have built up their industry even faster than it has done.

Mr. President, I am more than ever convinced of the necessity of a duty on Philippine agricultural products as a measure of relief for American farmers. Producers of farm products in the islands are under low wage and living standards, and are injuring our farmers in the United States market. The Filipinos have already received at Uncle Sam's hands more benefits than they can ever hope to repay; and we must, therefore, either turn them loose or confront a most dangerous situation of competition from them within the United States, to the detriment of our people.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. BROUSSARD. I yield.

Mr. KING. The Senator made a very interesting statement with respect to the probability, if not the certainty, of a large increase in the production of sugar in the Philippine Islands if there should be no uncertainty with respect to the future. That is to say, assuming that it is understood that the United States shall retain control for an indefinite period, then more capital will flow into the Philippine Islands, and a larger output of sugar will result. I hope I have not misinterpreted the Senator.

Mr. BROUSSARD. Sugar and other agricultural products.

Mr. KING. Yes; but I was directing my attention principally to sugar. May I say to the Senator that my understanding of the facts is somewhat different from the position taken by my friend.

The increase in sugar in the Philippine Islands during the past few years has not been the result of an extension of cultivation of agricultural lands except to the amount of about 5 to 7 per cent. There has been a considerable increase, but that has been due to more scientific methods of farming and to the fertilization of the soil. So that while the Senator is absolutely correct in stating that there has been an increase, my information is that the limit has nearly been reached of lands which will be devoted to the production of sugar, even though the United States should retain control for an indefinite period.

Mr. BROUSSARD. May I say to the Senator that I shall refer to official data to support the statement I have just made; and I am about to reach them.

Mr. President, the opponents of an increase of a sugar tariff declare that the benefit of such an increase would go largely to Hawaii, Porto Rico, and the Philippines. The legal status of Hawaii and Porto Rico is not at all the same as that of the Philippine Islands. Moreover, Hawaii and Porto Rico have reached the limit of possible production of sugar, because of their restricted area. They are entitled to prosper, because they are to remain part of American territory, and we should see that they prosper. They are merely small elements of an immense picture, and can never be bigger than they are now. As I shall show later, the Philippines are capable of enormous development; and as we intend to set them free we must either do so now, or change our policy toward them so that we may not stimulate production of competing commodities to the ruin of American farmers. When we acquired them, we taxed their imports. Later, we restricted their imports; and their sugar only came in free when all sugar from everywhere was put on the free list by the Simmons-Underwood bill. Later, free sugar was found to be an economic error, and the duties were restored; but by oversight the restricted status of the Philippines was overlooked.

I shall presently reach the matter about which the Senator from Utah has just questioned me. In the meantime I will follow the speech as I have it arranged.

Mr. President, I heard with pleasure that part of the speech of the senior Senator from Idaho [Mr. BORAH], delivered on September 16, 1929, in the Senate. It states the situation so concisely and logically that I wish to read it to the Senate:

> I am not going to discuss the Philippine question to-day, but it comes in here for consideration, because the American farmer at this time is carrying the entire load, from an economic standpoint, of the Philippines. I have wondered if the Philippines were producing manufactured goods as they are capable of producing agricultural products and were sending those manufactured goods into the United States, whether there would be the same equanimity among our friends as to giving free trade to the Philippines that there is at the present time? Duties can be levied as may be seen fit, and levied upon sugar, but the beet-sugar industry will disappear if it is compelled to fight the free-trade importations of the Philippines. Over 600,000,000 pounds of coconut oil and copra are imported each year into this country. These things come in conflict with the American producer, and so far as the bill goes they are left to compete with the Philippines upon a free-trade basis. It may or may not be a factor for this bill, but it is an element which enters into the picture of the condition of agriculture accentuating all the more the necessity for giving protection where it is possible to give it.

The logic of the argument of the Senator from Idaho is irrefutable.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. BROUSSARD. I yield.

Mr. VANDENBERG. I wonder if the Senator will permit me to call his attention to another very serious differential that runs against us in the Philippine situation.

Although we undertake to deal with the Philippine Islands on a free-trade basis, which is precisely the status obtaining between the States, nevertheless we do not extend our coastwise shipping laws to the Philippine Islands, as we do to the States and to Hawaii and Porto Rico. As a result, these agricultural commodities that are coming into the United States from the Philippine Islands are coming to us in foreign ships to a large extent, thus enjoying a tremendous transportation differential, because foreign ships operate so much more cheaply than our own.

Let me indicate just for a moment, if the Senator will permit, what this means—this requirement, on the one hand, that our own States shall use nothing but American ships in free-trade coastwise traffic, while, on the other hand, the Philippines may use foreign ships in this same free-trade coastwise traffic. Let me indicate the tremendous relative transportation burden which, for this and other reasons, American agricultural commodities have to bear in competition with the Philippines.

The freight rate on sugar from Manila to New York, which must be a matter of 10,000 miles or more, is 37½ cents a hundred pounds, and the rate from Menominee, Mich., to New York, is 56 cents; so that our Michigan beet sugar, so far as transportation is concerned, confronts a terrific differential, although moving but a fraction of the distance. Nor is that all. Half of the Philippine sugar crop which is coming to the United States this year is coming in United States Shipping Board vessels. Those vessels, in order to get the crop, are meeting the foreign transportation rate. Those same vessels are operating at a loss of $940,000 a year. A substantial portion of this loss is chargeable directly to Filipino sugar.

Mr. BROUSSARD. Which the American taxpayer pays.

Mr. VANDENBERG. Precisely. Therefore, we are not only permitting Philippine sugar to come in free, but we are actually subsidizing a large portion of it from the Public Treasury with this transportation differential. It may be that we should extend our coastwise shipping laws to the Philippine Islands.

Mr. BROUSSARD. I thank the Senator very much. The matter to which he has called attention is a very valuable suggestion.

Mr. President, if the Philippines are to be incorporated into the American Union, it would be wise and just to maintain free trade with them; but they are to be independent in time.

The tendency to encourage them to trade with us should be discouraged, especially when their products compete with American products. The natural market for Philippine sugar is in the Orient; and that market would be developed but for the free entry into the United States, which gives European capital in the islands an undue advantage over the American and Cuban sugar producers.

In stating that the natural market for Philippine sugar is the Orient, I wish to call attention to the fact that the Philippines exported to the United States in 1926, 312,723 tons of sugar. During the same year Cuba exported 241,631 tons of her surplus sugar to the Orient, the natural market of the Philippine industry. It follows, therefore, that we are artificially encouraging an illogical and uneconomic deviation of trade from its proper channels, and encouraging a development hurtful to us, which development, whenever independence is granted the Philippines, will leave its chief industry without any market at all. This is the situation which it seems to me should impel the Filipinos to indorse this amendment and to ask the Congress to adopt it.

Mr. President, I now wish to take up coconut oil, which is now the dominant imported oil into the domestic markets. It competes, pound for pound, with cottonseed oil and many other oils. The imports of coconut oil are steadily increasing, while the price is decreasing, so that the cotton farmer is subjected to a destructive competition and the fish-oil industry and other domestic-oil industries of competitive character are equally in danger.

Mr. President, the senior Senator from Tennessee the other day ridiculed the idea that an increase of duty on peanut or vegetable oil could raise the price. That is true, because 100 per cent of the coconut oil imported into this country comes duty free from the Philippines. So I may say to the Senator from Tennessee if we increased that duty to a dollar a gallon he would not get a cent more for his cottonseed oil. But tax oils from the Philippine Islands and the price of cottonseed, peanut, and other oils will rise.

Mr. President, Mr. Charles W. Holman, of Washington, D. C., representing the National Cooperative Milk Producers' Federation, the American Cotton Growers' Exchange, and the National Livestock Producers' Association, appeared before the Committee on Finance and testified with reference to imports from the Philippine Islands. Mr. Holman testified as follows:

The oils and fats problem, as we have told the committee several times, constitutes the largest single competitive problem that American farmers have to face in the pending tariff legislation. About $148,000,000 worth of these oils and fats come into this country every year. Only about $603,000,000 of products come in that compete with agricultural products of the farmer. Of that the Philippines send to us a considerable quantity. They send to us about 508,000,000 pounds of coconut oil—that is, of oil content.

Mr. Holman was referring to the last figures, which apply to the year 1927, and stated that this was coconut oil plus the coconut oil in the copra.

I wish also to refer to the fact that this coconut oil is a competitor with the dairy farmers. Mr. Holman states in his answers to the Committee on Finance the effect of coconut oil on the American farmer:

Senator BINGHAM. Are the dairy farmers interested in what goes into oleomargarine?

Mr. HOLMAN. Very deeply, sir. Oleomargarine is a great competitor with 85 to 88 score butter, and there is a differential usually——

Senator BINGHAM. Do you care whether it is made of coconut oil or cottonseed oil?

Mr. HOLMAN. Yes; we do. As a matter of fact, Senator, we would prefer to have it made from a domestic product, because then it would help our brother farmers in the southern section of the country and tend to stop what is now a rather serious problem to us, namely, the increase of dairy cows in this country.

Senator BINGHAM. Coconut was developed as a food product, but I never knew that cottonseed was intended as a food product.

Mr. HOLMAN. Cottonseed oil is one of the best edible oils in the United States.

Senator CONNALLY. Most of your "olive oil" made up in Connecticut is made out of cottonseed oil. [Laughter.]

Senator BINGHAM. You should not give that away. [Laughter.]

Mr. HOLMAN. I shall have to find those figures a little later for you, Senator. I shall be glad to file them.

Senator SIMMONS. Originally almost all of the oleomargarine was made out of cottonseed oil?

Mr. HOLMAN. Originally; yes. It is something over 160—I should hate to give the figures here without referring to the statistics.

Senator COUZENS. They are all in the record, are they not?

Mr. HOLMAN. They are all in the record, however; and they show that at the present time only around 20,000,000 pounds of cottonseed oil is used in oleomargarine, whereas in the older days considerably over 150,000,000 pounds was used; and at the present time about a quarter of a billion pounds of coconut oil goes into oleomargarine making. The facts are that the prices of coconut oil do affect the prices of cottonseed oil and of the other oils and fats in this country.

PRODUCTION AND IMPORTS FROM PHILIPPINES

Mr. President, I wish now to refer to a table furnished me by the United States Tariff Commission. It is marked "Exhibit A-1" and shows the imports of principal commodities from the Philippine Islands to continental United States for the calendar year 1928. I desire to have it printed as an exhibit to my speech.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit A-1.]

Mr. BROUSSARD. I wish to make comment on this table, because the figures are startling to me.

This table, Mr. President, shows that the Philippine Islands imported free into the United States $46,873,000 worth of sugar, which was 22.4 per cent of the total value imported from all countries, including the Philippines, into the United States, and 40.5 per cent of total value of all commodities imported from the Philippines into the United States.

It shows that they imported into the United States $43,969,000 worth of coconut products, which was of the total value imported into the United States from all countries, including the Philippine Islands, 100 per cent of coconut oil, 72.6 per cent of copra, 76.9 per cent of coconut meat, desiccated, and 79.2 per cent of coconut oil cake or meal, while the total coconut products imported into the United States from the Philippines were 38 per cent of the total value of their products imported into the United States.

In addition to that they sent of manila fiber $9,367,000 worth; they sent of cotton embroideries and ready-made clothing $4,106,000 worth; they sent $4,750,000 worth of cigars and cigarettes. All these enter free of duty and compete with our products.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. GEORGE. The Senator pointed out that Porto Rico and Hawaii had reached their capacity in the production of sugar.

Mr. BROUSSARD. Yes.

Mr. GEORGE. Has the Senator made a like study of the capacity of those two possessions as to fats and oils? Have they reached their capacity?

Mr. BROUSSARD. I have not made such a study for this reason, that they are considered part of the American territory.

Mr. GEORGE. I understand, but I merely wanted to get the fact.

Mr. BROUSSARD. I have not made that study.

Mr. GEORGE. I understand the Philippine Islands have not reached their capacity in sugar production, according to the Senator's view. Have the Philippines reached their capacity in point of oil production?

Mr. BROUSSARD. They have not as to any product at all.

Mr. GEORGE. Not as to any?

Mr. BROUSSARD. Not as to any. I think I shall show that later. They have not reached the maximum production in any line, on account of lack of capital and uncertainty as to the future, which make it impossible for them to command the confidence of the investing public.

I have a table here furnished me by the Department of Commerce, marked "A-2," which I desire to have inserted for the information of those who wish to get further data along this line.

The PRESIDING OFFICER. Without objection, the table will be inserted in the RECORD at the conclusion of the Senator's remarks. [See Exhibit A-2.]

Mr. BLACK. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. BLACK. In connection with the statement just made by the Senator from Georgia the report of the Department of Commerce for 1927 shows that only 12½ per cent of the total land area of the Philippine Islands is under cultivation.

Mr. BROUSSARD. That is true; in other words, they are producing this cane practically on land they had in cultivation during the Spanish days.

I also have an exhibit marked "A," which gives annual average values for a 5-year period, which I wish to have inserted in the RECORD for the benefit of any of those who feel interested in it.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD. [See Exhibit A.]

Mr. BROUSSARD. Mr. President, Exhibit B, furnished me by the United States Tariff Commission a few days ago, shows the Philippine trade and commodity trade balances with the United States and with other countries for the period from January 1, 1899, to December 31, 1928. This table is of interest to show how the privilege of free importation into the United States in consideration for which, under existing law, our goods are admitted duty free into the Philippine Islands, has worked to the detriment of American farmers and to the advantage of the Filipinos. It is to be noted that in almost every instance up to 1914, when there was a limitation applying to sugar, the Filipinos had the advantage in the trade relations. But, in every year since 1914, except one where the difference was approximately $3,000 in favor of the United States, the Filipinos, under free-trade relations with this country, have in all cases benefited by more than $31,000,000, which is the lowest, to as much as over $44,000,000 in the year 1927. So that this table shows that in that period the Filipinos have benefited to the extent of $320,809,000, which, it must be remembered, does not represent fully the amount of the beneficence of this country to them, because the values are calculated on the basis of the duty paid by the Cuban Government, and, besides, the benefits which are said to be derived by the United States Government include commodities sent by our Government for the United States services in the Philippine Islands—services established and maintained for their own benefit—and which sum, consumed by American citizens in the service, amounts to more than $100,000,000, which amount should be deducted from the benefits received by the United States, thereby increasing by this amount the benefits received by the Filipinos. In total of goods for United States services it amounts to more than $12,500,000 per annum, as shown by statistics I have appended to my remarks. [See Exhibits C and D.]

Mr. President, I wish to insert as an exhibit also a table furnished by the United States Tariff Commission marked "Exhibit C," which I wish to have inserted after my remarks as an appendix. It deals with the "value of Philippine and United States exports specifically admitted duty free because of their respective origins from the beginning of duty-free trade relations to the end of 1927."

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit C.]

Mr. BROUSSARD. From a table marked "Exhibit D," issued by the United States Tariff Commission the other day, I wish to call attention to the fact that it shows that the United States waives twice as much on Philippine products than the Philippines waives on our products, and this on the basis of a duty on the Cuban rate, which is 20 per cent below the world rate, and which, if computed on the world rate, would increase the benefits in favor of the Philippine Islands. I wish to have this table inserted as an exhibit to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. [See Exhibit D.]

POSSIBLE DEVELOPMENT

Mr. BROUSSARD. Mr. President, we have just seen how serious is the competition between Philippine and American sugar and oils especially, not to refer to tobacco and other commodities. There remain to be discussed and to be considered potential possibilities.

No one can deny the fact that but for the uncertainty of the future of the Philippines there would have been already far greater competition with our people, and that if this amendment is not adopted it will be interpreted by many who wish to take advantage of the unfair advantages given to industry and agriculture of the Philippines over our own as a policy of this Government to perpetuate existing relations in so far as the tariff is concerned. Immediately foreign capital will invest there, in a measure justified in accepting the result of the action of this body on my amendment, and after the rejection of the Timberlake limitation amendment in the House when this bill was before that body, and they will develop the great possibilities of these wonderfully fertile islands.

It is the contention of those who know the Philippine Islands that they are capable of wonderful development and unlimited increase of sugar production. I have lived my entire life in the center of the sugar-cane industry of Louisiana. I know the methods of cultivation, the character of the soil that produces large tonnage of cane. I am thoroughly familiar with everything required and the conditions necessary for cheap production of sugar from sugar cane. I have spent more than a year in Cuba and about the same length of time in the Philippine Islands.

I am familiar with the soil of both islands to some extent, and it is my opinion that the Philippine Islands can increase enormously their production of sugar. But this estimate of mine is borne out by the testimony of the Hon. PEDRO GUEVARA, United States Resident Commissioner for the Philippines. Writing in the Farm Journal, of Philadelphia, of March, 1929, he said:

> There is no use to deny the fact that the Philippine sugar represents—if not now, in the future—a competition to the beet-sugar industry in the United States. In the first place, the cost of production of Philippine sugar is much lower than it could be in the United States. In a word, the possibilities of the Philippine Islands are such as to produce sufficient sugar to supply at least the major portion, if not the whole demand, of the American sugar market.

This is further substantiated by an official publication of the Philippine government in the census of the Philippines for 1918, part 1, volume 4, page 228, which reads as follows:

> The future of this industry is great. No scarcity of raw material is to be feared. The more sugar is produced in the Philippines the greater will be the profits.
>
> With the area of the Philippines and the adaptability of her soil to sugar cultivation, the number of our centrals can be increased to twice that of Cuba.
>
> It is true that our market, the United States, lies at a considerable distance, and that the profits are apparently reduced by the freight expenses, but this disadvantage is compensated by the free entry of our sugar in the United States.

The late Governor Wood expressed it as his opinion that the Philippine Islands are capable of producing 5,000,000 tons of sugar annually.

Now, Mr. President, we are confronted with this question: Do the growing Philippine sugar industry, its oil industry, and other possible agricultural industries constitute a real threat to the farmers of the United States? I have shown by statistics from the United States Government that it already has a monopoly on oils derived from coconuts and copra, and it is certainly true that it has great possibilities in the tobacco industry. Its oil industry not only has eliminated many of the vegetable oils produced in this country but has submitted the fish-oil industry to unfair competition.

It is not my belief that, after thorough consideration of this amendment, the Congress will insist upon cultivating and stimulating an unfair competition with the American farmer. Are we to permit foreign capital invested in the Philippines to develop its industries at the expense of our farmers? And when our farmers are ruined, as they almost are at this time, are we then to give them their independence? I do not think that the Congress will so hold. It is our duty to protect the American farmer before we protect other farmers.

Mr. President, the Hon. Henry L. Stimson, now Secretary of State and formerly Governor General of the Philippine Islands, in a statement to the Ways and Means Committee on April 17, 1929, stated that when he took over the office of governor in March, 1928, he found that there had existed a deadlock begun with the resignation of the Philippine Cabinet in 1923 and which had continued until he reconciled the differences. I wish to quote his language as to what he looks forward to as the possibilities of development in the Philippine Islands, not only agriculturally but industrially. From page 10637 of Tariff Readjustment, 1929, I read as follows:

> In many other ways the Filipino people responded to my appeal. Two weeks before I left Manila the first Congress of Filipino business men was held in that city and sat a week discussing many measures of importance to business men. This in itself marked a forward step of almost revolutionary character in the islands.
>
> The whole subject of the attitude of the Filipinos toward American capital was debated during the passage of the corporation laws, resulting in a complete victory in favor of the friendly treatment of American capital. All of these steps had a marked effect upon American capital, which had theretofore been timid and reluctant to enter the islands. I remember several typical examples out of many similar evidences. (a) Robert Dollar decided to enter interisland shipping with two new vessels, to transfer his repair shops to the Philippines, and to build a large office building. (b) The California Packing Co. definitely decided to embark upon the project of extending its pineapple business from Hawaii to the Philippines. (c) The Goodyear Rubber Co. acquired an experimental tract of land for rubber in Mindanao and began active work in experimentation. (d) Cyrus McCormick, jr., visited the islands in reference to the raising of hemp in Mindanao for the International Harvester Co. (e) Many business men either visited the islands or took up the subject of active development of its resources with me.

At page 10642 of Tariff Readjustment, 1929, I found that the Philippine Sugar Association, which is opposed to any legislation limiting or taxing importations of sugar into the United States, claimed that the production of sugar will not exceed 1,000,000 tons within 10 years.

It might be of interest to the Senate to know the total capital invested in the sugar industry of the Philippines and the ownership of the centrals with reference to nationality, which appear at page 10643 of Tariff Readjustment, 1929, from which I read:

The nationality of the investments made in Philippine sugar lands is as follows:

The total investments in the Philippine sugar industry aggregate $190,000,000, distributed as to the character of the investments, as follows:

Investment in centrals	$82, 500, 000
Landed investments	90, 000, 000
Crop loans	12, 500, 000
Miscellaneous investments	5, 000, 000
	190, 000, 000

The land ownership is as follows:

Filipino	$73, 800, 000
Spanish	9, 900, 000
American and others	6, 300, 000
	90, 000, 000

The ownership of the centrals is as follows:

Filipino	$40, 250, 000
American	21, 500, 000
Spanish	20, 250, 000
Other nationalities	500, 000
	82, 500, 000

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. BROUSSARD. I yield.

Mr. GEORGE. Would the Senator mind stating the total consumption of sugar in the United States?

Mr. BROUSSARD. I think it is around 104 to 106 pounds.

Mr. GEORGE. I did not mean per capita. I meant the total.

Mr. BROUSSARD. It is around 6,000,000 tons.

There appeared before the Ways and Means Committee a Mr. Newton Gilbert, of New York City, who represents the Philippine-American Chamber of Commerce, with headquarters at 15 Moore Street, New York City. His testimony appears in Tariff Readjustment, 1929, on page 9875 et sequentes.

On page 9877 Mr. Gilbert admitted that the Filipinos were well versed in the science of government and capable educationally and otherwise to be given their independence, but he, and other American investors in the Philippines, claim that they are not ready economically.

Mr. Gilbert admitted that the potential production and the rapidity of their production in the Philippine Islands in coconut oil, sugar, tobacco, and other different things, depends upon the inflow of capital into the Philippine Islands. This will be found at page 9879, Tariff Readjustment, 1929.

CONCLUSION

Mr. President, by granting special privileges to Cuba, we assured her a monopoly of the American sugar market. This has brought the most marvelous development of the Cuban sugar industry known to history. It was deemed necessary for our welfare in case of war to have our supply close at hand. The Government encouraged American capital to invest in the sugar industry in Cuba until about $1,500,000,000 of American capital is invested there. It was this money that made possible increased production and a ruinous competition on the domestic sugar producer. In the meantime, the domestic sugar producer alone was paying for this development by having the duty on Cuban sugar reduced by 20 per cent. In return for this reduction on the sugar tariff, paid for by the domestic sugar producer, manufacturers and others were receiving concessions on Cuban rates on American importations to Cuba which cost them nothing.

But we were told this was a necessity—to build a sugar supply close to our shores. And now that the domestic sugar grower has paid the price and Cuba produces more sugar than we need, he is being permitted to be sacrificed to develop another sugar industry in the Orient in a country to which we are bound to give independence; and, although produced on an Asiatic standard of life, is to be admitted free of duty. In fact, all their products to enter duty free.

This will not only destroy the sugar producer, but all farmers growing competing commodities. And to accomplish what? It will destroy the American capital invested in Cuba as well as the domestic industry, and will make us dependent upon a sugar supply impossible of reaching us in time of war.

APPENDIX

EXHIBIT A

Annual average values of principal United States (continental) imports from the Philippine Islands, January 1, 1924, to December 31, 1928, by commodities

Commodities	Calendar year 1928			5 years, Jan. 1, 1924–Dec. 31, 1928		
	Value	Percentage of total value imported from all countries, including Philippine Islands	Percentage of total value of all commodities imported from Philippine Islands	Annual average value	Percentage of total value imported from all countries, including Philippine Islands	Percentage of total value of all commodities imported from Philippine Islands
Sugar	$46, 873, 000	[1]22. 4	40. 5	$41, 134, 000	[2]15. 8	37. 8
Coconut oil	23, 061, 000	100. 0	19. 9	20, 997, 000	99. 9	19. 3
Manila fiber	9, 367, 000	98. 3	8. 1	14, 596, 000	99. 2	13. 4
Copra	16, 548, 000	72. 6	14. 3	14, 041, 000	71. 7	12. 9
Tobacco, cigars, cigarettes, etc	4, 229, 000	55. 7	3. 7	4, 669, 000	55. 9	4. 3
Cotton embroideries [3]	3, 669, 000	28. 3	3. 2	3, 996, 000	25. 1	3. 7
Coconut meat, desiccated, etc	4, 005, 000	76. 9	3. 5	2, 723, 000	59. 5	2. 5
Wood in logs, planks, deals, veneers, etc	1, 747, 000	3. 8	1. 5	1, 574, 000	2. 7	1. 4
Hats, bonnets, etc., of straw, etc	1, 855, 000	22. 6	1. 6	1, 240, 000	16. 1	1. 1
Cordage, yarns, threads, etc	781, 000	23. 4	. 7	801, 000	23. 7	. 7
Coconut oil cake or meal	355, 000	79. 2	. 3	492, 000	90. 4	. 5
Cotton ready-made clothing,[4] etc	437, 009	8. 7	. 4	500, 000	9. 9	. 5
Buttons of pearl or shell	438, 000	90. 1	. 4	414, 000	90. 9	. 4
Tobacco leaf, filler, and other	521, 000	1. 1	. 5	265, 000	. 5	. 2
Maguey or cantala	(5)			11, 000	12. 9	(6)
Furniture of wood, etc	(5)			8, 000	. 2	(6)
Shells, engraved, cut, etc	18, 000	24. 8	(6)	12, 000	11. 6	(6)
Binding twine	5, 000	. 4	(6)	2, 000	. 2	(6)
Hat materials of straw, etc	(5)			(7)	(6)	(6)
All other	1, 694, 000		1. 5	1, 383, 000		1. 3
Total	115, 603, 000		100. 0	108, 858, 000		100. 0

[1] 14.7 per cent of total quantity of sugar imported from all countries, including Philippine Islands.
[2] 10.9 per cent of total quantity of sugar imported from all countries, including Philippine Islands.
[3] See also cotton ready-made clothing.
[4] See also cotton embroideries.
[5] Not recorded.
[6] Less than one-tenth of 1 per cent.
[7] Less than $1,000.

EXHIBIT A-1

Imports of principal commodities from Philippine Islands to continental United States

[Calendar year 1928]

Groups of leading commodities	Value	Percentage of total value imported from all countries, including Philippine Islands	Percentage of total value of all commodities imported from Philippine Islands
Sugar (cane)	$46, 873, 000	22. 4	40. 5
Coconut oil	23, 061, 000	100. 0	19. 9
Copra	16, 548, 000	72. 6	14. 3
Coconut meat, desiccated, etc	4, 005, 000	76. 9	3. 5
Coconut oil cake or meal	355, 000	79. 2	. 3
Total coconut products	43, 969, 000		38. 0
Manila fiber	9, 367, 000	98. 2	8. 1
Binding twine	5, 000	. 4	(1)
Total fiber products	9, 372, 000		8. 1
Tobacco, cigars, cigarettes, etc	4, 229, 000	55. 7	3. 7
Tobacco leaf, filler, and other	521, 000	1. 1	. 5
Total tobacco products	4, 750, 000		4. 2
Cotton embroideries	3, 669, 000	28. 3	3. 2
Cotton ready-made clothing, etc	437, 000	8. 7	. 4
Total cotton products	4, 106, 000		3. 6
All other	6, 533, 000		5. 6
Total	115, 603, 000		100. 0

[1] Less than one-tenth of 1 per cent.

EXHIBIT A-2

Chief exports from the United States to the Philippine Islands, year 1927

[From Commerce Department, furnished in September, 1929]

1.	Cotton cloth	$11, 155, 194
2.	Wheat flour	3, 882, 402
3.	Iron and steel plates, sheets, skelp, and strips	2, 880, 846
4.	Passenger automobiles	2, 649, 756
5.	Condensed, evaporated, and powdered milk	2, 608, 283
6.	Gasoline, naphtha, etc	2, 287, 165
7.	Electrical machinery	1, 526, 463
8.	Books, maps, pictures, and other printed matter	1, 467, 773
9.	Automobile tires	1, 393, 962
10.	Illuminating oil	1, 312, 639
11.	Canned sardines	1, 165, 552
12.	Cigarettes	$1, 128, 513
13.	Soap	973, 829
14.	Sewing machines	888, 518
15.	Tubular products and fittings	784, 819
16.	Gas and fuel oil	743, 243
17.	Sulphate of ammonia	733, 385
18.	Sugar-mill machinery	709, 006
19.	Lubricating oil	696, 081
20.	Medicinal and pharmaceutical preparations	695, 324
21.	Cotton thread, cordage, etc	656, 821
22.	Leaf tobacco	632, 796
23.	Rubber footwear	624, 116
24.	Paints, pigments, and varnishes	561, 854
25.	Silk manufactures	549, 603
	All other	26, 812, 912
	Total	69, 520, 855

EXHIBIT B

Philippine trade and commodity trade balances with the United States and with other countries, January 1, 1899 [1]–December 31, 1928

[From United States Tariff Commission, Sept. 18, 1929]

Annual average or annual value and grand total	With the United States					With countries other than the United States				
	Philippine imports from the United States	Percentage of total Philippine imports	Percentage of total Philippine exports	Philippine exports to the United States	Balance in favor of (+) or against (−) the Philippines	Balance in favor of (+) or against (−) the Philippines	Philippine imports from countries other than the United States	Percentage of total Philippine imports	Percentage of total Philippine exports	Philippine exports to countries other than the United States
1899–1901, Jan. 1–Dec. 31 (3 years)[2]	[3] $2, 347, 000	9	18	[4] $3, 814, 000	+$1, 467, 000	−$5, 427, 000	[5] $22, 393, 000	91	82	[6] $16,966, 000
1902–1905, Jan. 1–Apr. 30 (3 years 4 months)[7]	4, 549, 000	14	42	12, 629, 000	+8, 080, 000	−10, 022, 000	27, 759, 000	86	58	17, 737, 000
1905–1909, May 1–June 30 (4 years 2 months)[7]	4, 927, 000	17	35	11, 276, 000	+6, 349, 000	−2, 391, 000	23, 683, 000	83	65	21, 292, 000
1909–1914, July 1–Dec. 31 (5 years 6 months)[8]	[9] 21, 056, 000	42	43	20, 013, 000	−1, 043, 000	−2, 465, 000	[9] 28, 836, 000	58	57	27, 605, 000
1915–1918, Jan. 1–Dec. 31 (4 years)[10]	[9] 36, 422, 000	56	60	52, 921, 000	+16, 498, 000	+7, 338, 000	[9] 28, 379, 000	44	40	35, 717, 000
1919–1922, Jan. 1–Dec. 31 (4 years)[11]	[9] 72, 412, 000	62	62	69, 084, 000	−3, 328, 000	−715, 000	[9] 43, 616, 000	38	38	42, 901, 000
1923, Jan. 1–Dec. 31	50, 353, 000	58	70	85, 047, 000	+34, 694, 000	−1, 441, 000	37, 147, 000	42	30	35, 706, 000
1924, Jan. 1–Dec. 31	60, 399, 000	56	72	97, 314, 000	+36, 915, 000	−9, 582, 000	47, 612, 000	44	28	38, 031, 000
1925, Jan. 1–Dec. 31	69, 298, 000	58	73	109, 045, 000	+39, 747, 000	−10, 603, 000	50, 435, 000	42	27	39, 832, 000
1926, Jan. 1–Dec. 31	71, 576, 000	60	73	100, 003, 000	+28, 428, 000	−10, 842, 000	47, 723, 000	40	27	36, 881, 000
1927, Jan. 1–Dec. 31	71, 478, 000	62	74	116, 038, 000	+44, 560, 000	−4, 837, 000	44, 373, 000	38	26	39, 536, 000
1928, Jan. 1–Dec. 31	83, 858, 000	62	75	115, 586, 000	+31, 728, 000	−11, 330, 000	50, 799, 000	38	25	39, 469, 000
1923–1928, Jan. 1–Dec. 31 (6 years)[12]	[9] 67, 827, 000	59	73	103, 839, 000	+36, 012, 000	−8, 106, 000	[9] 46, 348, 000	41	27	38, 242, 000
Grand total, 30 years, Jan. 1, 1899–Dec. 31, 1928	1, 000, 837, 000	50. 4	59. 8	1, 321, 646, 000	+320, 809, 000	−95, 355, 000	983, 058, 000	49. 6	40. 2	887, 703, 000

[1] Manila customhouse opened under American occupation Aug. 20, 1898; other Philippine ports were opened to foreign trade as the American military occupation was extended.

[2] First 3 calendar years following American occupation of Manila, Aug. 13, 1898; no tariff preferences respecting Philippine trade with any country.

[3] Substantial importations of United States products, notably wheat flour and beer, entering the Philippines via Hong Kong, not included.

[4] Large amounts of Manila fiber (abaca) entering the United States via intermediate foreign ports not included.

[5] Substantial importations of United States products, notably wheat flour and beer, entering the Philippines via Hong Kong, included.

[6] Large amounts of Manila fiber (abaca) entering the United States via intermediate foreign ports included.

[7] Act of Mar. 8, 1902: Rates of United States tariff act of 1897, with a reduction of 25 per cent, applied to dutiable imports into the United States from the Philippines; Philippine products on free list of the United States tariff exempted from Philippine export duties.

[8] Act of Aug. 5, 1909: Duty-free admission of Philippine products into United States, except (1) rice; (2) Philippine products containing non-Philippine or non-American materials in excess of 20 per cent of their value; and (3) any annual excess above 150,000,000 cigars, 1,000,000 pounds filler tobacco, 300,000 pounds wrapper tobacco, and 300,000 gross tons sugar; all United States products, except rice, admitted duty free into Philippines; Philippine products on free list of the United States tariff act continued exempt from Philippine export duties. Act of Oct. 3, 1913: All limitations removed on duty-free admission of Philippine products into United States, except that of a maximum permissible foreign material content of 20 per cent in value; all Philippine export duties on shipments to any destination repealed; duty-free admission of United States products into Philippines continued, and duty-free admission of American rice into Philippines authorized.

[9] From July 1, 1910, to Dec. 31, 1928, importations into the Philippines for account of the United States Government services in the Philippines are included; but these amounts can not be ascertained from published statistics. The greater of these importations were from the United States; Philippine commodity trade balances as shown in this table consequently were more favorable than here indicated, by the amount of such importations, since they were wholly for account of American taxpayers and amounted to more than $100,000,000. (See Exhibit C.)

[10] Act of Oct. 3, 1913, in force.

[11] Act of Oct. 3, 1913, emergency tariff act of May 27, 1921, and tariff act of Sept. 21, 1922, successively in effect, and reciprocal, duty-free, and all other provisions of the act of Oct. 3, 1913, continued respecting Philippine-United States trade.

[12] Tariff act of Sept. 21, 1922: Reciprocal, duty-free, and all other provisions of the act of Oct. 3, 1913, continued respecting Philippine-United States trade.

EXHIBIT C

Values of Philippine and United States exports reciprocally admitted duty free because of their respective origins, from the beginning of duty-free trade relations to the end of 1927

Years ending—	Philippine products exempted by United States	Per cent of total United States imports from the Philippines	United States products exempted in Philippines [1]	Per cent of total Philippine imports from United States	Accumulated value of Philippine products exempted by United States	Accumulated value of United States products exempted in Philippines [1]
June 30, 1910	$6,163,000	35.59	$9,417,000	87.20	$6,163,000	$9,417,000
June 30, 1911	7,636,000	43.89	19,439,000	98.08	13,798,000	28,856,000
June 30, 1912	13,027,000	56.01	20,121,000	96.78	26,825,000	48,977,000
June 30, 1913	7,430,000	35.36	25,256,000	98.48	34,256,000	74,233,000
July-December, 1913 (6 months)			14,590,000	98.98		88,823,000
Annual average	8,564,000	43.37	19,607,000	96.12		
June 30, 1914	4,613,000	25.40			38,869,000	
Dec. 31, 1914			23,862,000	98.31		112,685,000
June 30, 1915	9,350,000	38.93			48,219,000	
Dec. 31, 1915			26,033,000	98.04		138,718,000
June 30, 1916	8,826,000	31.26			57,045,000	
Dec. 31, 1916			22,452,000	97.35		161,170,000
June 30, 1917	13,861,000	32.66			70,906,000	
Dec. 31, 1917			37,075,000	97.75		198,245,000
June 30, 1918	17,541,000	22.46			88,447,000	
Dec. 31, 1918			57,810,000	97.72		256,055,000
July-December, 1918 (6 months)	8,613,000	18.30			97,060,000	
Annual average	11,419,000	26.39	33,446,000	91.81		
Dec. 31, 1919	19,261,000	29.06	75,583,000	97.49	116,321,000	331,638,000
Dec. 31, 1920	64,353,000	56.97	92,074,000	97.81	180,675,000	423,712,000
Dec. 31, 1921	35,521,000	68.10	73,400,000	97.79	216,196,000	497,112,000
Dec. 31, 1922	43,169,000	69.91	47,417,000	98.65	259,364,000	544,529,000
Annual average	40,576,000	55.37	72,119,000	97.86		
Dec. 31, 1923	51,331,000	66.04	49,835,000	98.38	310,695,000	594,364,000
Dec. 31, 1924	70,344,000	72.45	60,773,000	99.09	381,040,000	655,137,000
Dec. 31, 1925	73,972,000	66.15	69,635,000	99.26	455,012,000	724,773,000
Dec. 31, 1926	69,912,000	67.35	71,365,000	98.81	524,924,000	796,138,000
Dec. 31, 1927	86,333,000	74.44	71,684,000	99.29	611,257,000	867,823,000
Annual average	70,379,000	69.49	64,659,000	99.00		

[1] Imports for account of or for sale to the United States Government services in the Philippines are included in these figures beginning July 1, 1910. The amounts of these importations can not be ascertained from the published statistics; it can only be estimated that during the 17½-year period July 1, 1910–Dec. 31, 1927, they were not less than $100,000,000 and possibly were much greater in amount. The amount of strictly commercial importations admitted duty free into the Philippines from the United States, because of their American origin, is therefore less than here indicated, by the amount of importations for the United States Government service.

EXHIBIT D

Scheduled duties waived by the United States on Philippine exports, and by the Philippines on United States exports, from the beginning of reciprocal duty-free trade to December 31, 1927

Annual and annual average	Including tobacco and tobacco products				Not including tobacco and tobacco products [1]			
	Duties waived by the United States on Philippine products [2]	Duties waived by the Philippines on United States products [3]	Accumulated duties waived by United States on Philippine products [2]	Accumulated duties waived by Philippines on United States products [3]	Duties waived by the United States on Philippine products [2]	Duties waived by the Philippines on United States products [4]	Accumulated duties waived by United States on Philippine products [4]	Accumulated duties waived in Philippines on United States products [4]
Year ending—								
June 30, 1910 [5]	$8,304,000	$2,433,000	$8,304,000	$2,433,000	$2,646,000	$1,974,000	$2,646,000	$1,974,000
June 30, 1911	5,778,000	4,023,000	14,081,000	6,456,000	3,420,000	3,768,000	6,066,000	5,742,000
June 30, 1912	9,241,000	4,348,000	23,322,000	10,804,000	4,818,000	3,928,000	10,884,000	9,670,000
June 30, 1913	10,572,000	5,317,000	33,894,000	16,121,000	2,346,000	4,887,000	13,230,000	14,557,000
6 months, July 1–Dec. 31, 1913		3,126,000		19,247,000		2,891,000		17,448,000
Annual average	8,474,000	4,277,000			3,308,000	3,877,000		
Year ending—								
June 30, 1914	5,301,000		39,195,000		1,189,000		14,419,000	
Dec. 31, 1914		5,181,000		24,428,000		4,729,000		22,177,000
June 30, 1915	8,227,000		47,423,000		3,629,000		18,048,000	
Dec. 31, 1915		5,921,000		30,349,000		5,318,000		27,495,000
June 30, 1916	7,939,000		55,362,000		2,722,000		20,770,000	
Dec. 31, 1916		4,955,000		35,304,000		4,297,000		31,792,000
June 30, 1917	15,041,000		70,402,000		3,995,000		24,765,000	
Dec. 31, 1917		7,639,000		42,943,000		6,646,000		38,438,000
June 30, 1918	25,140,000		95,543,000		3,300,000		28,065,000	
Dec. 31, 1918		10,932,000		53,875,000		9,601,000		48,039,000
6 months, July 1–Dec. 31, 1918	14,931,000		110,473,000		1,514,000		29,579,000	
Annual average	13,923,000	6,926,000			2,973,000	6,118,000		
Year ending—								
Dec. 31, 1919	23,464,000	14,136,000	133,937,000	68,011,000	3,897,000	12,658,000	33,476,000	60,697,000
Dec. 31, 1920	36,563,000	17,669,000	170,500,000	85,680,000	8,420,000	14,248,000	41,896,000	74,945,000
Dec. 31, 1921	20,515,000	14,958,000	191,016,000	100,638,000	11,924,000	11,384,000	53,820,000	86,329,000
Dec. 31, 1922	27,844,000	10,249,000	218,860,000	110,887,000	15,944,000	7,839,000	69,764,000	94,168,000
Annual average	27,097,000	14,253,000			10,046,000	11,532,000		
Year ending—								
Dec. 31, 1923	34,276,000	10,693,000	253,136,000	121,580,000	13,201,000	8,004,000	82,965,000	102,172,000
Dec. 31, 1924	36,429,000	12,983,000	289,564,000	134,564,000	20,607,000	9,346,000	103,572,000	111,518,000
Dec. 31, 1925	43,114,000	16,440,000	332,679,000	151,004,000	26,896,000	10,804,000	130,468,000	122,322,000
Dec. 31, 1926	38,681,000	18,350,000	371,360,000	169,354,000	23,320,000	11,534,000	153,788,000	133,856,000
Dec. 31, 1927	43,018,000	20,268,000	414,378,000	189,622,000	29,338,000	11,731,000	183,126,000	145,587,000
Annual average	39,104,000	15,747,000			22,672,000	10,284,000		
Year ending Dec. 31, 1928	45,841,000	([6])			31,782,000	([6])		

[1] The preference arising through reciprocal duty-free entry of tobacco and tobacco products is but partly effective in the price received either for Philippine tobacco products in the United States or for United States tobacco products in the Philippines; therefore, the duties which would have accrued on such importations have been entirely omitted in the last four columns of this tabulation.

[2] Based as to sugar on the United States preferential rate on Cuban sugar.

[3] Scheduled duties waived on imports for account of the United States services in the Philippines are included from July 1, 1910. The amount of these imports can not be ascertained from published statistics, and consequently the duties waived thereon can only be estimated. It is believed that the amount of these duties would not have been less than $12,500,000, and possibly they were much more during the period here tabulated; it is evident that duties remitted on such importations should not be considered as duties waived on strictly commercial shipments to the Philippines.

[4] See note 3 above, and read minimum estimate of "$10,000,000 and possibly much more" instead of "$12,500,000, etc."

[5] Effectively reciprocal duty-free trade relations began under the act of Aug. 5, 1909.

[6] Basic published statistics not available August, 1929.

EXHIBIT E

PHILIPPINES CAN MAINTAIN AN INDEPENDENT GOVERNMENT—AN INTERESTING LETTER FROM THE SECRETARY OF FINANCE

Hon. VICENTE SOTTO,

1098 R. Hidalgo, Manila.

MY DEAR DON VICENTE: In answer to questions in your letter of the 20th instant, I have the pleasure to inform you that:

1. PUBLIC DEBT OF THE PHILIPPINES

All the debts of the Philippines are with the United States, and are as follows:

	Pesos
Debts of the insular government	146,600,000
Debts of the insular government with collateral bonds of the Provinces and municipalities	7,717,000
Debts of the insular government with collateral bonds of the metropolitan water district	6,000,000
Debts of the insular government with collateral bonds of the city of Manila	6,500,000
Direct debts of the city of Cebu	250,000
Direct debts of the city of Manila	8,000,000
Total	175,000,000
Amortization funds on hand	43,000,000
Net debt	131,505,000

These debts have been contracted after due study of the resources of the government. The interests and the amortization funds are paid always on maturity, and there is not the least doubt that prompt payments will thus be made until these debts are paid up.

In view of the good conditions of the public finances, the government is taking steps to redeem some of the bonds before maturity, and probably their funding will be in the amount of ₱12,000,000 by 1930.

2. THE DEBT AND INDEPENDENCE

There is no reason for believing that the public debt of the Philippines would be an obstacle to the granting of independence. If it should be so, no nation could be independent. When in 1922 a big issue of Philippine bonds was floated, with the authority of Congress, an American newspaper, in a light vein, said, "The Filipinos have proved their progress in civilization; they have contracted debts."

It is possible that the holders of the bonds will fear that a change in the political status of the Philippines will occasion difficulties in the payment of the debts. However, the resources of the Philippines are so well known that an investigation will easily convince the bondholders of the safety of their investments. At least, I remember that on an occasion, when it was thought the independence of the Philippines was imminent, the only requirement asked by the financial institutions interested in Philippine bonds, is that the Philippines should make a formal pledge that it could pay them as they matured. This request, which may seem puerile, was made to satisfy the timid, and to tell them that the Philippines, once free, will not repudiate the debts contracted under the American régime. There has been since then no objection from the bondholders nor from the American financial institutions against the independence of the Philippines.

If other countries, poorer than the Philippines, have been granted debts without much difficulty, and if Czechoslovakia has been given loans and made independent, it certainly can not be alleged that the debt of the Philippines is an obstacle to independence.

3. SUPPORTING AN INDEPENDENT GOVERNMENT

With our present resources we can run an independent government.

Probably we can not organize at once an army and a navy. Possibly there will be in the first years an economic crisis. But it is also true that, once readjustment has been effected, the progress of the country will be more rapid and more permanent. And while the country attains its progress and development, the resources of the government will augment and it thus will be able to increase its expenditures.

Under present conditions it is an illusion to wait for economic freedom before political freedom. Under our present status, there is an endless American prejudice against the Filipinos. When the suggestion was first made that imposts on Philippine industrial products, like rope, coconut oil, etc., be lowered, American interests at once protested, alleging that such a step would place Philippine manufactures above and over their American competitors. At present we have no power to arrange our tariff to suit the best interests of the country. And, lastly, it is an eloquent proof that our economic progress can not be achieved under present conditions the fact that as soon as a governor general—Stimson—came who was decidedly for the economic progress of the Philippines, at once there started in the United States a movement against our products like sugar, coconut oil, cigars, and lumber.

Wishing you a happy trip, I remain yours sincerely,

MIGUEL UNSON.

EXHIBIT F

THE PHILIPPINE PROBLEM—THE FILIPINOS LOOK TO EUROPE FOR SYMPATHY AND SUPPORT

The so-called Philippine problem still awaits solution. A quarter of a century of American rule has not solved it. American benevolent policy of assimilation has not dampened the thirst for freedom. It has only accentuated it, until now it is an assertive desire and a burning issue.

It is but natural that the Filipino people should aspire for independence. No nationalism, however strong and vigorous it may be, can long endure and thrive under foreign tutelage. The Filipinos have fought and sacrificed the best of their manhood from 1896 to 1902 to assert their rights first against the Spaniards and then against the Americans, and although subjugated by a superior force, they have reiterated their demands to America incessantly through peaceful means.

Since American occupation, the Filipinos, having been given the opportunity, have shown ability to manage their own affairs. American authorities have recognized this fact, and in 1916, after a series of internal changes in the conduct of the insular government, in every case lending to give the Filipinos greater participation in the government, and in every case the government acquitted themselves admirably, the American Congress passed the Jones law, the preamble of which formally and solemnly promised independence as "soon as a stable government has been established therein." Repeated insistence on the part of the representatives of the Filipino people of the existence of a stable government has not brought adequate realization. Can anyone deny the existence of a stable government in the islands to-day? Even the late President Woodrow Wilson had attested before the Congress of the United States of the fulfillment of the condition demanded in the Jones law. Peace is patent everywhere in the islands. Justice is administered equally. Foreigners are recipients of the most just and reasonable dealings. Protection is extended them in every case. No disturbance of any significance has been registered for the last 20 years. In fine the government is as stable and as able as can be desired. With the exception of the Governor General and a few other appointees of the President of the United States, the whole government is in the hands of Filipinos. The lawmaking body, the Philippine Legislature, is entirely Filipino in membership; the executive departments, except one, are managed by Filipinos; the judiciary, including the supreme court where a majority native membership exists, is also in the hands of Filipinos. No better proof can be shown of Filipino capacity for self-government.

Not only have the Filipino people amply shown their ability to run their own government, but they have also shown, with telling reality, their fitness to assume their place in the sisterhood of nations. Witness the marvelous progress of the islands in diverse activities. In education the people have won praise and admiration. Elementary schools have been established even in the remotest villages, and are accessible to all children of both sexes of school age. The alacrity with which the people have patronized and supported educational ventures speaks highly of their efforts toward enlightenment. Illiteracy is dwindling into nothingness. Colleges and universities are raising the level of educational standards and are preparing thousands and thousands of Filipinos for cultural life and professional careers. In 1927, the insular government expended for school purposes 17,945,183.15 pesos, an increase of 10.15 per cent over the insular expenditures in 1926. Roughly, at present, the expenses for education represent 27 per cent of the whole income of the government of the Philippine Islands, which averages around 80,000,000 pesos yearly. The health service of the government has improved sanitary conditions of the islands and has been very successful in checking and eradicating tropical diseases and other dangerous communicable diseases. Altogether the government spends an average over 3,500,000 pesos for the health service. Water systems are in existence, and they afford a safe and dependable water supply. The increase in the number of artesian wells, now over 2,000, has diminished the rate of mortality. Maternity houses and puericulture centers are abundantly scattered throughout the islands and are insuring the growth of population by reducing the rate of infant mortality. Transportation facilities have been considerably improved and augmented. Roads and bridges of modern construction are seen everywhere. Railroad lines have been extended in different important islands. As a result, agriculture and domestic trade have been considerably fostered and a greater degree of material prosperity is thus guaranteed. Foreign trade has jumped from 5,000,000 pesos in the beginning of American occupation to 500,000,000 up to the present.

They have ably demonstrated their fitness. It is just that they should have their desire to control their own destiny. It is a dream that they have dreamt for a long, long time. With due deference to the wishes of the American people, the Filipinos look to Europe for sympathy and moral support. They believe that those ancient nurseries of liberty and freedom will help the Filipinos in their endeavor to obtain their political emancipation. It is in consonance with the principles of justice and democracy that they be left alone to manage their own affairs. America has encouraged them in this direction. But sad to say, she has postponed time and again the final settlement of the question, such that she has practically denied it. The Filipinos, however, are hopeful, and they believe that so earnest and just as their cause is, the world will find a happy mean to make America fulfill her promise in accordance with the obligation she has assumed before the world in taking over the sovereignty of the islands.

RAFAEL PALMA,
President University of the Philippines.

EXHIBIT G

THE FILIPINO DEMAND FOR INDEPENDENCE

By Jorge Bocobo, dean College of Law, University of the Philippines

The Filipino people base their claim for immediate independence upon the following grounds among others:

1. The Filipinos had wrested control of the Philippines outside of Manila from the Spanish forces when America acquired the islands from Spain by the treaty of Paris.
2. America has promised independence and that pledge is due.
3. The Filipino people have a natural right to be free and independent.
4. The Philippines is a civilized Christian country.

The above points will be discussed briefly in this article.

1. FILIPINO GOVERNMENT

When by the treaty of Paris signed December 10, 1898, Spain ceded the Philippines to the United States, Spain had nothing to cede because the Philippines outside of Manila [which city was under American occupation] was already under the actual and effective control of an independent Filipino government, headed by Emilio Aguinaldo. The Filipino forces had vanquished the Spanish Army throughout the Philippine Archipelago except in Manila. The Filipino people protested against this unjust transfer, but to no avail.

2. PROMISE OF INDEPENDENCE

General Aguinaldo has vigorously asserted that Admiral Dewey had stated to him that Philippine independence would be recognized by the United States, and that on the strength of that promise the Filipinos helped the American forces take the city of Manila from the Spanish Army. Dewey, of course, by himself could not make such promise, but the Filipinos honestly believed he had been authorized from Washington.

President McKinley declared at the beginning of American occupation that the purpose of American Government was to train the Filipinos in the science of self-government. Mr. Taft, the first American governor, said the following while he was Secretary of War in 1901:

"When they—the Filipinos—have learned the principles of successful popular government from a gradually enlarged experience therein, we can discuss the question whether independence is what they desire and grant it, or whether they prefer the retention of a closer association with the country which by its guidance has unselfishly led them on to better conditions."

President Wilson in a message to the Filipinos on October 6, 1913, declared:

"Every step we take will be taken with a view to the ultimate independence of the islands and as a preparation for that independence."

In August, 1916, the American Congress passed the Jones law, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands." The preamble of that law declared that "it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty as soon as a stable government can be established in the Philippines."

The Filipino people accepted this pledge made by the American Congress as a covenant between the two countries. The Filipinos proceeded to establish a stable government in order to meet the only requirement laid down by the Congress of the United States. And in December, 1920, President Wilson, in his message to Congress, certified that the Filipino people had complied with the condition precedent to independence. He said:

"Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and have thus fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

Eight years have passed since this official declaration by that great statesman, President Wilson, and although the Filipino people have continuously petitioned the redemption of America's pledge, the promise remains unkept. Little wonder, then, that the Filipinos should believe that the United States has failed to abide by its own promise solemnly made by its own Congress.

3. NATURAL RIGHT

The Filipino people in addition contend that it is their natural right, as is the natural right of every people, to be free and independent. Such a rightful claim is amply supported by the American Declaration of Independence in virtue of which all governments derive their just powers "from the consent of the governed." The Filipino independence movement is strengthened by the principle of self-determination consecrated by the World War. The Filipinos are convinced that the only way they can express their national genius and fulfill their destiny is through independence.

4. CULTURE OF THE FILIPINOS

The Filipinos are the only Christian nation in the Far East, thanks to the influence of Spain. According to the 1918 census, of the total population in that year, of 10,314,310, there were 9,381,357 Christians. The rest were Mohammedans and pagans. It is thus that 92 per cent of the Filipinos are Christians.

Literacy in 1918 was 54 per cent. According to conservative estimate, the rate has since increased to 50 per cent. Either percentage is better than that of many independent countries.

There are nearly a million and a half students in public and private schools and colleges. There are five universities, one of which, the University of Santo Tomas, is older than Harvard University, the oldest university in the United States.

The Filipino people are one, as they belong to the Malay race. It is true that there are several Philippine dialects, but the principal one, Tagalog, is extensively used. English is spoken by millions, and Spanish is the language of the older generation of educated Filipinos. There is a strong national spirit. The consciousness of solidarity has been intensified by the common struggle for liberty for more than one generation.

PRINCIPAL ARGUMENT AGAINST INDEPENDENCE

The chief point advanced in the United States to justify indefinite postponement of the withdrawal of American sovereignty is that the Philippines has not been sufficiently developed economically to set up national defense against invasion by some great power. The Filipinos reply to this argument thus:

1. The moral judgment of the world and the growing sense of justice among nations make such a conquest of the Philippines very remote, particularly if the new Philippine nation should become a member of the League of Nations and adhere to the World Court, as is the desire of Filipino national leaders.

2. If ability to repel aggression by a first-class power should be made a requisite to the recognition of independence of any people, then only three or four nations have a right to be free, which, of course, is absurd. Did Belgium forfeit her independence when she was invaded by Germany? How about the new small nations of Europe whose spirit emerged triumphant out of the crucible of the war—is their title to independence also precarious because they are not strong enough successfully to oppose the armies of the great European powers? This theory of force as the basis of freedom is obsolete and is not in keeping with the spirit of the times.

3. Even granting the probability of invasion by some mighty nation, in case of Philippine independence, still the Filipino people feel that they would not be deserving of national freedom if they renounced it just because of such danger. They are willing to face all the risks and responsibilities of independence.

Moreover, if after an independent Philippine government has been set up, the country should be conquered by a great power, such a condition would be substantially the same as their present status of a subject people.

CONCLUSION

The Filipino people firmly believe that they are justly entitled to immediate independence. They have been continuously appealing to the sense of justice of the American people. Thus far, that plea has been unheeded. The future is uncertain. Filipino freedom may never come. The issue seems to depend on America's world program and policies, which it is not within the power of the Filipino people to influence or change. And yet God still sits on His throne, just and merciful as of old. Surely He will not forsake the just cause of a whole people.

EXHIBIT H

THE PHILIPPINES UNDER SPANISH SOVEREIGN

Spanish domination of the Philippine Islands lasted three centuries. The Filipino people can not deny, rather, they proclaim before the world, that this sovereignty of three centuries was, as a whole, beneficial to the Filipinos. At the end of 300 years, the Filipinos were a homogeneous people possessing all the characteristics necessary to the existence of a civilized nation, tested in the crucible of history, tradition, religion, customs, language, and having what is called the sentiment of nationality, or national conscience. We submit that this spiritual element is the foundation of the modern doctrine of nationality, and that it can be recognized and proclaimed as the indispensable sign that there exists a nation known as the Philippines. This fact was fully demonstrated by the revolution of 1896, in which the Filipinos proved that the doctrines of the rights of man and of citizenship have become their own, and, as such rights were not recognized by the Spanish Government, they felt that they should possess them and exercise them, and, as a consequence, they demanded that they should be granted by the government of the metropolis.

History records the events that rapidly developed since the day the Spanish-American War placed the Philippines under American domination; but it is opportune to remember that, upon the inception of the revolution against Spain the Filipino people were a homogeneous national entity, whose vitality was tested in that war and in the war that later took place between the Filipinos and the Americans. Our civilization and our culture, at the time of this new conflict, enabled us to establish, for a short time, a Filipino government which, dictatorial in the beginning, was soon to become republican in form; that is, a government of the people, despite the state of war. The new government did not, in reality, constitute a radical change in the administration of public affairs, for, with the destruction of Spanish sovereignty, there existed in the country a complete system of centralized power of government with its branches as important as the department of public health, agronomy, forestry, mines, etc., with the necessary technical personnel ready to reassume their function, despite the exodus of the Spanish technical employees. Local government was well established, thanks to the traditional constitution of the Provinces and towns just before the end of Spanish sovereignty, which implanted the necessary provincial and municipal reforms, serving as the basis of the present provincial and municipal governments, real autonomous entities functioning without the intervention of the central government, except when necessary, so that it can be assured that, setting aside the absorbing tendency common in all government of intervention, our municipal and provincial governments are free from dictation from the insular administration, to the advantage of their development and progress.

EXHIBIT I

THE PHILIPPINE CONSTITUTION

The war was not an obstacle to the implantation of a civil régime under the revolutionary government, and before the capture of Manila by the Americans on September 18, 1898, the Philippine Congress was constituted. There was not in the whole country a single discordant note. The authority of the Filipino government, which was extended all over the Archipelago and was acknowledged in every town evacuated by the Spanish forces, was never questioned. The chiefs of the non-Christian tribes, that never recognized the sovereignty of Spain, sent messages of loyalty to the native national government. Leading Mohammedan chiefs from the island of Mindanao approached the revolutionary government to express their support and that of their followers of the constituted authorities. On June 23, 1898, the general of the revolutionary forces gave up his dictatorial powers in the revolutionary government, whose object was "to fight for the independence of the Philippines until the free nations, including Spain, expressly recognized it, and to prepare the country for the implantation of a republic." The revolutionary government kept the popular form of the local governments. It organized a central government, with a president as the chief of the executive power, assisted by four departmental secretaries—that of state; that of navy and commerce; that of war and public works; that of police and internal peace and order; that of finance, agriculture, and industry. The legislative power was vested in a congress, whose members were elected in the same way prescribed for the election of provincial functionaries, and was independent in its sphere of action. A committee of the congress, presided over by the vice president and assisted by one of his secretaries, constituted the supreme court of justice, to hear criminal cases on appeal from the provincial councils, which were at the same time competent tribunals for civil and criminal cases, their functions having been fully defined and delimited.

The Philippine Congress was inaugurated in a solemn manner in September of the same year with all the Provinces of the islands represented in it. Once organized, it proceeded to the adoption of the constitution. This was discussed and put to a vote and was approved on January 20, 1899, at once becoming effective.

If we consider the letter and the spirit of this constitution, we shall see that it contains all the rights and principles found in the most modern constitutions. There is no doubt that it represented not only the measure of culture of the men that wrote it but also the fact that the Filipino people, even at that time, accepted a popular government as the best suited to the conditions, necessities, and experience of the country. The Philippine constitution, as passed by the members of the revolutionary congress, pictures faithfully, better than any other act of the Filipinos of that epoch, the political aspirations and ideals of the Filipino people.

Under the new constitution the Filipino government, without neglecting the necessities of an unequal war, organized the public services of urgent necessity. The office of public health was organized, managed by a body of civilian doctors, rigorous measures and rules of hygiene and health having been enforced in the towns. The office of civil register was instituted in all the municipalities. The town mayors exercised the rights of public notaries for the legalization of documents and extrajudicial acts. Primary schools were opened, which, under the Spanish rule, included one for girls and one for boys. A university was founded, where courses in law, medicine, pharmacy, and notarial work were given, and in the Provinces secondary schools were established in addition to those that existed. Orders were released for the reparation and conservation of the public highways, bridges, and public buildings. An institute of vaccination was founded to prepare serum for distribution in all the Provinces. A census and statistics office was also established. The posts and telegraph service was also improved. The government was bent not only on reestablishing the public services that existed under the Spanish régime but on improving on them, giving orders for increasing production, the outturns of industry and of internal and foreign commerce.

EXHIBIT J

THE AMERICAN SOVEREIGNTY

From the surrender of the Spanish garrison of Manila to the American forces on August 13, 1898, the events rapidly followed each other in the Philippines. With the Filipino government already well established in all the national territory excepting in the fortresses of Manila and Cavite, the Philippine republic was proclaimed, in accordance with the constitution in Malolos, Bulakan, in the presence of a multitude from all over the country, and not a few foreigners, among whom were many American military leaders, on January 18, 1899. Within a few days hostilities broke out between the American and the Filipino forces around Manila. It is universally acknowledged that this hostility was not provoked by the Filipinos; but as this is not the place to discuss this issue, we shall ignore it, simply mentioning the fact that this incident was a surprise to our countrymen. The moral solidarity of the Filipino people and their firm and spontaneous support of the national government were clearly demonstrated under those circumstances and under the new state of war, which tested their patriotism and their hopes for independence and liberty. The superior power of the invaders triumphed over the heroic opposition of the Filipino troops. The material resistance ended toward the end of 1901, the Filipinos deciding to accept American domination.

Since then more than a quarter of a century has passed. With the implantation of the American régime came a period of peace and order, under which the country has had occasion to prove its capacity to exercise the rights and powers of a popular government. It can not be denied that one of the greatest victories of the conqueror consisted in comprehending the progressive and democratic spirit of the conquered, and in appreciating their measure of culture and in encouraging their political aspirations. With this understanding between the conqueror and the nation conquered established, the former, ignoring the designs of certain absorbing elements serving the interests of imperialism, decided to uphold the democratic principles with which the people were imbued, as shown in the Philippine constitution and as expressed by the delegates in the many negotiations for the establishment of peace between the representatives of the Government of occupation and the Filipino government. It would not be correct to say that the progress of the Philippines is the exclusive product of the policy of the American Government, for without the initiative of the Filipino leaders and the cooperation of the people there would have been very little political progress and little economic development. The Cooper Act, the first organic law of the islands under the American domination, was the result of negotiations and endless conferences with the Filipino politicians, who first accepted the new situation and who opposed, in so far as possible, the tendencies toward absolute domination.

Under the new régime which gave the Filipinos participation in the government through the Philippine Assembly, which shared legislative powers with the Philippine Commission, composed of Americans and Filipinos, public peace and order was kept in the Provinces by the insular and municipal police. The public disturbances during the early years of the American occupation were not of much importance, considering the short lapse of time since the two disastrous wars to the sources of wealth in the country. It is a powerful argument in favor of the spirit of order and discipline among the people that the exercise of the civil and political rights, wholly new to the country as the freedom of worship and the right of direct suffrage, has not caused bloody disorders inseparable, from the experience of nations submitting to them as did ours.

The great successes, of which the Americans are proud with respect to the government of the islands, should be assigned to this understanding between the government and the people, as to the essential principles of democracy. The dominators found the field clean, cultivated and fertilized and ready for planting and for the greatest progress in constitutional progress, and so, after a decade of experiment in the exercise of many political rights indispensable in a Republican régime, under the Cooper Act, the Jones law was promulgated in 1916, in which the Congress of the United States solemnly declared in its preamble:

"Whereas it has never been the intention of the people of the United States, at the inception of the war with Spain, to engage in a war of conquest or territorial aggrandizement;

"Whereas it is and it has always been the purpose of the people of the United States to renounce their sovereignty over the Philippine Islands and to recognize the independence of the same as soon as a stable government has been established therein;

"Whereas it is necessary for the early realization of this purpose, to give the Filipino people as ample powers as are consistent with the exercise of the sovereignty of the United States, to the end that with the exercise of popular suffrage and of governmental powers, the Filipino people will be better prepared to assume responsibilities and to enjoy the privileges of absolute independence."

Exhibit K

UNDER THE JONES LAW

By virtue of this new organic act, the Filipino people have had the opportunity to exercise the sovereign rights of an autonomous nation. They have exercised, with almost no limitations, the legislative power, subject only to the veto of the Chief Executive, subject, in turn, to the right of the legislature to pass the laws over his veto. A bicameral legislature was organized, with a house of representatives and a senate, both elective, with the exception of a number of representatives and senators appointed by the Governor General, who represent the regions, up to a recent date, under a politico-military rule.

The Filipino people enjoy to-day a representative system of government limited by an alien sovereignty, showing the curtailment of the national sovereignty, so important for the progress of the country, such as the right to legislate on tariff relations with other nations, on lands, mines, and corporations, and lacking also the right to bear arms and to have a trial by jury, institutions which, though affecting the fundamental in a popular régime, do not impede the enjoyment of a national self-government, as these rights are also denied to the conquerors living in the country.

A few years after the autonomous government established by the Jones law has been in operation, the Governor General of the islands notified the President of the United States that there existed a stable government. The President, in turn, urged upon Congress that independence should be granted to the islands, for the only condition precedent required for it had been complied with by virtue of the preamble of the Jones law, and which demanded the establishment of a stable government in the Archipelago.

This recommendation was not acted upon by Congress, and in this attitude the Filipino people see the first obstacle to the goal of their destiny. Since the establishment of American rule, this is the first instance retarding the march of the Filipino people toward political progress and the realization of their supreme ideal of independence. The power of the imperialistic spirit that has taken possession of American institutions, to the point that it dominates the foreign policy of the powerful republic, was the reason for the vacillation of the Democratic majority of the Congress of Washington that forshadowed the demoralization of that party. The abnormality created in the sovereign nation by the World War contributed to the confusion that, naturally, obtained in the legislative activities of Congress, which put aside all those questions not directly related to the war and the problems growing out of it.

Exhibit L

THE FILIPINO PEOPLE HOPE AND WAIT

The Filipinos form a nation of over 12,000,000 souls, whose destiny is being wrought under conditions of internal peace and is predicated on the spirit of liberty and justice of the civilized nations of the world. We aspire to independence because we feel that we possess the qualifications for running a government firm, stable, with all the guaranties that every entity should bring to the international concert of nations. This young nation desires anxiously to occupy a place in the community of free nations, that it may comply with its destiny under the sun, contributing what corresponds to it as its share to universal progress, to the progress of humanity through the progress of civilization, as a factor also toward universal peace and the fellowship among the nations.

Inspired by these sentiments and legitimate and natural aspirations, without which it will not merit the place it wants in that community of nations, it believes itself possessed of enough merits to deserve the respect and sympathy of the other peoples and qualified to ask for the moral help of the whole civilized world for the realization of its legitimate hopes for liberty and independence.

The solution of our cause is delayed more than is reasonable and convenient for the particular interests of the Philippine Islands and for the stability of our national institutions. Ever since President Wilson urged Congress to grant independence to the Philippines the Filipino people have insistently asked the United States to settle definitely this issue, recognizing our right to become an independent nation; but since then our country has seen and experienced the neglect with which the sovereign nation has treated our just demands that without further delay the promise made by the American people in the preamble of the Jones law (our present organic act) to recognize our independence as soon as there is established in those islands a stable government. It is evident that the American people have radically changed their attitude toward the Filipino people and their aspiration to independence. Their present policy shows the purpose to continue and even to strengthen their domination over our country, and seems to be in line with the design to continue imposing their sovereignty over that territory, to the end that they may create their own sources of raw materials, such as rubber, coffee, oil, etc., breaking thus the supposed monopoly on these products by other nations. But the resignation of a nation subjected against its will should never be abused. Discontentment is general. We have reached the limit, and only the proverbial straw breaking the camel's back is lacking to compel the country to take extreme measures.

Our presence in international relationships will be beneficial for all peoples, races, and nations of the world. We have for all only the noblest and most disinterested sentiments. We only want the opportunity to show the other peoples that our country is ready to welcome capital, initiative, knowledge, experience, for which our soil is as a scene for nationals and aliens to use their energy for production, material progress, intellectual advancement, and common welfare. Our slogan is: Equal opportunity for all.

Exhibit M

AN APPEAL TO THE EUROPEAN WOMEN

From this part of the globe, in which 12,000,000 people live in a group of beautiful islands that festoon the eastern portion of the Pacific, allow me to convey to you our message of good will.

As a nation which was reared by an European country during the period of its infancy, the Philippines can not but look with keen interest and reverence at the wonderful changes in your culture and progress.

We are not happy here and we have never been really happy during the past 30 years of American tutelage, due to the fact that our long-cherished desire of becoming a free and independent nation has not been attended to by America even to this date.

Visitors to our country are unanimous in declaring this group of emerald isles of ours the pearl of the Orient, a beautiful garden and its door is wide open for all our sisters of Europe to come in and enjoy its hospitality. We invite you and the whole world to come and see its perpetual verdant vegetation, its mountains, rivers, and lakes, its summer resorts, its seas, and beautiful Mayon volcano, and all that Spain has bequeathed to us—now relics of the past.

We wish you to see the new changes brought about by our own efforts through the aid of our government, specially the wonderful roads and equally wonderful system of public education we have succeeded to establish in this country.

While we are busily occupied with our appointed task of developing this country of ours, yet due to the new systems of communications and the facilities of travel, we can not confine our interest within the limits of our shores. We wish to keep pace with the progress of the world, and our greatest desire is to see within the shortest possible time that the promise of America to give us our independence is redeemed and translated into a beautiful reality. The Philippines has an implicit faith in the United States of America and her people. Her utterances as well as her acts are apparently sincere and they seem to indicate her desire to fulfill her solemn pledge. To her we have intrusted the destiny of our country.

In spite of all the progress and material prosperity we are now enjoying we wish to become an independent nation, for we have always been fighting for our independence, and because America has pledged to give it us. We know that you will be in full sympathy with us in our longed-for desire to be an independent nation and with your moral support the distance to the goal of our aspiration will be short. We sincerely hope that the time, when we may be able to appreciate the exercise of greater responsibilities, will not be far distant and the rebirth of our once ephemeral republic into true and permanent independent state will soon be a reality.

In the name of my country and people I reiterate our message of good will, and again I invite you and the world to come to our shores where on the doors of our hospitable homes are written the words, "You are welcome."

Paz de los Reyes.

Mr. ROBINSON of Indiana obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Indiana yield to the Senator from North Carolina for that purpose?

Mr. ROBINSON of Indiana. I yield.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Connally	Goldsborough	Kean
Barkley	Couzens	Gould	Kendrick
Bingham	Dale	Greene	Keyes
Black	Dill	Hale	King
Blaine	Edge	Harris	La Follette
Blease	Fess	Harrison	McKellar
Borah	Fletcher	Hatfield	McNary
Bratton	Frazier	Hawes	Metcalf
Brock	George	Hebert	Moses
Brookhart	Gillett	Heflin	Norris
Broussard	Glass	Howell	Nye
Capper	Glenn	Johnson	Oddie
Caraway	Goff	Jones	Overman

Patterson	Sheppard	Thomas, Idaho	Walcott
Phipps	Simmons	Thomas, Okla.	Walsh, Mass.
Pine	Smith	Townsend	Walsh, Mont.
Pittman	Smoot	Trammell	Warren
Ransdell	Steck	Tydings	Waterman
Reed	Steiwer	Vandenberg	Watson
Robinson, Ind.	Stephens	Wagner	Wheeler

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present. The Senator from Indiana [Mr. ROBINSON] is entitled to the floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. ROBINSON of Indiana. I yield.

Mr. BORAH. Mr. President, I have received a letter from the Resident Commissioner of the Philippines discussing the Philippine question in connection with the tariff bill and intended to be an answer to some of the views expressed by the National Grange. I have been asked to put this letter in the RECORD, and I am very glad to do so, but in doing so I do not wish it understood that I am in agreement with the views expressed.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., September 30, 1929.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SENATOR: We have just read in the CONGRESSIONAL RECORD of September 26 the letter written to you by Mr. Fred Brenckman, the Washington representative of the National Grange.

We are particularly interested in the following part of the letter, referring as it does to the Philippine Islands:

"Agriculture has a vital interest in the proper solution of the tariff problems presented by the Philippine Islands. It is clear that free trade with the islands is injurious to the farmers of the United States. This applies particularly to copra, coconut oil, and sugar. Since vegetable oils are interchangeable, to permit coconut oil to come in free from the Philippines in effect puts all our domestically produced vegetable oils on the free list. It is also impossible to give proper protection to the domestic producers of sugar cane and beets if we allow the Philippines to ship unlimited quantities of sugar to us free of duty. The late Gov. Gen. Leonard Wood gave as his opinion that the islands are capable of producing 5,000,000 tons of sugar annually, which is almost equal to our domestic consumption. Unless imports from the Philippine Islands are made dutiable under some system of segregating the revenues thus derived and turning them into the treasury of the islands, the only way of relieving agriculture from destructive competition from that quarter would be to grant independence to the islands."

The statement gives briefly what is apparently the understanding of the Washington representatives, not only of the National Grange, but of other important farm associations. In our opinion it states an erroneous inference, an inference which we must overcome absolutely, or the position of the Philippine Islands under the American flag will be a most unhappy one. For certainly if we have the farmers of the United States of the opinion that our reasonable prosperity is acquired only at their expense our relations will be everything but what we of the Philippines desire.

The Philippine people are at present the best customers of the farmers of the United States for several of their products, and with the increase in prosperity in the islands this will become more strikingly true; for notwithstanding the productiveness of the Tropics we are dependent for many of the things which prosperous people desire on the farms of the Temperate Zones. This is notably true of dairy products and cotton manufactures. It is equally true of wheat flour, of many of the vegetables and fruits of the Temperate Zone. All of these are being purchased in increasing quantities by the Philippines from the United States. Their purchases increase with the prosperity of the islands and with the improved transportation between the United States and the islands. I feel that if the farmers of the United States would study that side of the question they would see of what value the market of the Philippines was to them and how this market is increasing in value.

It seems obvious that the attention of the American farmer is only being called to those things which come from the Philippine Islands and which under conceivable circumstances might compete with some of his own products. The quotation refers to copra, coconut oil, and sugar, and these are the items which have been most frequently referred to by representatives of the farm organizations. Take these in the order enumerated.

Copra is admitted free of duty into the United States from whatever source and in the seven months ending July 31, 1929, the Summary of Commerce of the United States shows that the Philippines shipped to the United States 185,427,931 pounds of copra. The neighboring foreign countries shipped to the United States 192,338,660 pounds. So that more copra entered the United States in this, the last period reported on by the Department of Commerce, from foreign countries neighboring the Philippine Islands, which purchase relatively little in the American market, than from the Philippine Islands.

To be effective in this matter of copra and coconut oil the tariff should first be placed on copra. This would be of material benefit to the copra of the Philippine Islands if it were admitted free of duty and would increase to some extent the price of coconut oil.

Now as to coconut oil. Prior to 1922 this was admitted free of duty from all sources. With the present duty coconut oil coming to the United States comes almost exclusively from the Philippine Islands. If it did not come as coconut oil it would, so long as copra is on the free list, come as copra, so that the farmers' position would not be in any way changed unless there was a duty on copra.

In his letter Mr. Brenckman says:

"Since vegetable oils are interchangeable, to permit coconut oil to come in free from the Philippines in effect puts all our domestically produced vegetable oil on the free list."

This is a fundamental error. It is shown to be such an error by the Monthly Statistics published by the Department of Commerce. Is it conceivable that if vegetable oils were interchangeable there would be regularly exported from the United States cottonseed oil and lard at prices far higher than the price at which coconut oil can be secured?

For the seven months ending July of this year the United States imported 237,089,206 pounds of coconut oil valued at $17,846,407. During the same period the United States exported of the products with which this coconut oil is alleged to compete 481,493,447 pounds of lard valued at $62,343,191, and 13,087,659 pounds of cottonseed oil valued at $1,276,308.

Is it conceivable that the United States would have a market for this immense quantity of lard at approximately 13 cents per pound and considerable quantity of cottonseed oil at over 9 cents per pound if the purchasers abroad could replace these articles by coconut oil which during the same period has been freely purchasable at approximately 7 cents per pound? It must be freely admitted that for certain purposes one vegetable oil may replace another or may indirectly replace an animal fat. But this replacement is statistically shown to be by no means so general as is alleged and where the quality of the resulting product is a material consideration oils and fats are not interchangeable.

This question was gone into quite fully in the hearings and it seems clear that those who contended for this view that oils and fats were freely interchangeable and alleged that coconut oil injuriously competed with American oils and fats failed utterly to make a case.

Now, as to sugar; those who urged that a limitation be placed on the amount of Philippine sugar which might come in free of duty or urged that Philippine sugar be treated as foreign sugar freely admitted that under present conditions Philippine sugar did not materially affect the American market and did not at all injure the continental producer of sugar. They were fearful of the future. The writer gives as a basis of this fear of the future the following:

"The late Governor General Wood gave as his opinion that the islands are capable of producing 5,000,000 tons of sugar annually, which is almost equal to our domestic consumption."

In some form this statement was made in the hearings both in the House and in the Senate. It seemed to have been based on a supposed newspaper interview with General Wood shortly before his unfortunate death. Of course, it is known that estimates of Americans and others conversant with the Philippine situation fall far below this highly inflated figure. We would ask you to compare this claim with the following:

In the House committee hearings on sugar a member of the committee said:

"* * * Did you ever see a report made by Secretary James Wilson when he was Secretary of Agriculture a few years ago of the result of his investigation as to the areas of land in this country suitable for growing sugar beets? * * * He said there was land enough in the United States suitable for growing sugar beets, that if one crop was produced on all of it, the crop of one year would be enough to serve the world from the birth of Christ to the present day."

One is the statement of Secretary Wilson, a practical farmer of wide experience; one is the statement attributed to General Wood, a practical soldier; to which of these statements would you give the most weight on a purely agricultural proposition? It is conceivable that the American farmer would give full credence to the supposed estimate of General Wood while ignoring absolutely the estimate of Secretary Wilson on this agricultural subject? It is at least as likely that Secretary Wilson's judgment will be demonstrated in the near future as the statement attributed to General Wood.

Finally the writer says:

"Unless imports from the Philippine Islands are made dutiable under some system of segregating the revenues thus derived and turning them into the treasury of the islands, the only way of relieving agriculture from destructive competition from that quarter would be to grant independence to the islands."

While we contend that while the islands are under the American flag, justice requires a trade arrangement mutually beneficial and reciprocally fair, we of the Philippines would like to have the farmers of the United States convinced of the desirability of granting independence to the Philippine Islands. We would not like to believe that they had reached a determination to give the Philippine Islands their independence purely or even largely on selfish grounds. We would like to give them credit for having reached their decision on the highest moral grounds. We are happy that hereafter we may expect the American farmers actively to labor for the immediate redemption of America's pledge which is so anxiously awaited by the Filipino people.

We hope that it is not too much to expect that the farmers of the United States will become convinced of the desirability of the present trade relations with the Philippine Islands and of the mutual advantage of such relations to the American farmers and to the Filipino people. Being so convinced we hope that the American farmers will look forward with the Filipinos to the early day of Philippine independence. The trade relationship between the two countries then will be what the American farmers now evidently desire it to be.

Very sincerely,

PEDRO GUEVARA,
CAMILO OSIAS,
Resident Commissioners from the Philippines.

Mr. NYE. Mr. President, will the Senator from Indiana yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. ROBINSON of Indiana. I will yield for a question.

Mr. NYE. I merely wish to present an amendment to the pending bill.

Mr. ROBINSON of Indiana. If it will involve no debate, I will yield.

Mr. NYE. It will not, I assure the Senator.

Mr. ROBINSON of Indiana. Very well.

Mr. NYE. I send to the desk an amendment, which I intend to offer to the pending tariff bill. I ask that it may be printed in the RECORD, printed in the usual form, and lie on the table.

There being no objection, the amendment intended to be proposed by Mr. NYE was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment offered by Mr. NYE to the amendment (relating to the flexible tariff) proposed by Mr. SMOOT to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, viz: On page 7 of the amendment, after line 8, insert the following:

"(h) Whenever the President proclaims under this section any increase or decrease in rate of duty, the United States Tariff Commission shall transmit to the Senate and to the House of Representatives a copy of the proclamation and of the report made to the President by the commission of its findings and investigation. The report shall be transmitted promptly upon the making of the proclamation, except that if the Congress is not in session at the time the proclamation is made, then the copy of the report shall be transmitted at the commencement of the next regular or special session of the Congress. Any increase or decrease in duty (including any change in classification or basis of value in connection therewith) proclaimed by the President under this section shall cease to be in effect on the day following the adoption by either House of Congress of a resolution disapproving the increase or decrease in rate of duty, provided such resolution is adopted within 90 calendar days after the receipt of the copy of the report by such House."

Mr. ROBINSON of Indiana. Mr. President, I have a sincere admiration for the distinguished Senator from Idaho [Mr. BORAH] and always enjoy listening to him. I heard him the other day with much interest on the so-called flexible provisions of the bill now before us, and then read the address in the RECORD.

I was, as usual, impressed by his eloquence, but found great difficulty in following his reasoning.

I assume his statements with reference to the origin of the flexible provisions in the 1922 law are, in the main, correct—I was not a Member of this body at that time—but I can not suppose that even then all consideration was given to the consumer and none to the producer.

All of our citizens are consumers, and in a broad way most of them are likewise producers. There is no distinct cleavage between the two.

Production unquestionably generates employment, and out of the employment of our people come the great markets of the United States, which should always be adequately protected for American labor, agriculture, and industry.

Because of these facts adjustment upward on some items in favor of agricultural and industrial producers might be as extremely necessary for the general welfare as adjustment downward would be in other cases.

I can not, therefore, believe that the framers of the bill in 1922 were entirely oblivious of this very obvious fact.

The Senator from Idaho then proceeds to criticize rather caustically the record of the Tariff Commission during the past seven years. Unfairly, it seems to me, for as has been pointed out on this floor, out of 28 increases of duty that have been proclaimed by the President of the United States, on the recommendation of the Tariff Commission, 11 have been in favor of agricultural products, with 17 for all other industries.

Would the Senator from Idaho criticize either the commission or the President for allowing these increases to agriculture?

If he answers this question in the negative, as I presume he will, then he must admit that some good has resulted from the system, even if all other cases were decided wrong.

Would the Senator abolish a court just because it rendered a faulty opinion? He criticizes certain decisions of the United States Supreme Court. Would he, therefore, abolish that tribunal because it failed to please him with its decision?

But this is beside the point. The whole question involved is whether the flexible provisions are right or wrong.

In the President's admirable statement, issued a few days ago, he used this language:

The essential of the flexible tariff is that with respect to a particular commodity, after exhaustive determination of the facts as to differences of cost of production at home and abroad by a Tariff Commission, comprised of one-half of its members from each political party, whose selection is approved by the Senate, then the President should, upon recommendation of the commission, promulgate changes in the tariff on that commodity not to exceed 50 per cent of the rates fixed by Congress. Under these provisions the President has no authority to initiate any changes in the tariff. No power rests on the Executive until after recommendations by the commission. Any change must arise from application directly to the commission, and his authority in the matter becomes a simple act of proclamation of the recommendations of the commission, or, on the other hand, a refusal to issue such a proclamation, amounting to a veto of the conclusions of the commission. In no sense, therefore, can it be claimed that the President can alter the tariff at will or that despotic power is conferred upon the Executive. It has been declared a constitutional procedure by the Supreme Court.

We live in a world of progress and in an age when economic conditions are constantly changing. Thousands of items are regulated in a tariff law, and it is the common experience of everybody that attempted tariff readjustment on one commodity means general tariff revision.

As I get the Senator's argument, he would retain a Tariff Commission, have it report inequities to the Congress, and then let Congress enact laws remedying the evil. The Senator from Idaho certainly knows this could never be done successfully, and if attempted the Congress would be continuously wrestling with a tariff bill and the country constantly in economic turmoil.

The House and Senate committees have now been engaged for over nine months in continuous inquiry into tariff rates, with a vast array of facts concerning literally thousands of commodities. And with what results? Why, debate on specific items has not even begun as yet in the Senate, and, judging from his speech, the Senator from Idaho believes that even when finally enacted the bill will contain many inequalities.

How would he remedy them? Why, by having Congress start all over again with a new tariff bill.

No, Mr. President, the argument advanced is not convincing. If the distinguished Senator from Idaho really wishes conscientiously to protect American agriculture, labor, and industry from the injustice which he fears in the tariff rates, then, it seems to me, he should in all conscience vote for the flexible provisions now before us.

If he is genuinely concerned along those lines he will surely place in the President's hands through the Tariff Commission the means for securing with competent men and scientific investigation such exhaustive review of rates as will be for the general good.

Otherwise, Mr. President, I fear the country will feel that the Senator from Idaho is merely endeavoring to bait the President and is wholly inconsistent in his demands.

The Senator is petulantly critical of the President, as witness the following from his speech of a few days ago:

But, Mr. President, having put his hand to the plow, the President can not turn aside because of rough furrows. Having undertaken to shape this bill the President must go through to the end and assume with us the responsibility for its terms, not merely by his veto, which he has heretofore expressed an unwillingness to rely upon, but by his influence here in this Chamber.

That is certainly intemperate language for the Senator from Idaho, and it seems to me quite inconsistent, for the whole trend of his argument is to the effect that Congress is the tariff-making body, without interference. And almost in the same breath he not only invites the President's aid but demands that he assist in drawing the details of the bill. He even insists that the President should pass on all the rates.

He surely does not seriously think the President of the United States has either the time or the facilities to hold hearings through 1,500 different branches of industry and agriculture in order to pass judgment up to the Senate on the details of all rates.

The President of the United States has done precisely what the Constitution requires him to do. Herbert Hoover has spoken in no uncertain terms and for the general welfare on the flexible provisions, and I have no doubt the sentiment expressed by him is applauded throughout the land.

In my humble judgment the flexible provisions of this bill violate in no degree the taxing power of the Congress. The tariff rates are all fixed by Congress, and even in case of the comparatively few that may require readjustment by presidential proclamation the greatest latitude allowed either way is 50 per cent.

In my judgment, therefore, the Senator's eloquent discussion of the taxing power, its history throughout the centuries, the kings and queens who in other days have lost their heads through usurpation, is purely academic.

Kings and queens are not on the rampage here in America; a servile Congress is not sliming its way through the corridors of government to abdicate its constitutional powers to a despotic President who seeks to swallow the United States, nor can the Senator from Idaho with all his eloquence persuade the American people that such conditions exist.

I shall not attempt to speak on the constitutionality of the proposed section. That question has been decided by the Supreme Court of the United States, and though much of the Senator's speech was on this subject it has been held constitutional by the highest court in the land by unanimous decision, and further discussion in this body would be futile.

Just a word on agriculture. I am sincerely interested in the farm problem, as my record in this body will disclose. I have supported every measure that has been presented here for the improvement of agricultural conditions, and shall continue along this line.

In my opinion the flexible provisions of this bill will benefit the great farming industry more than any other. If inequalities continue to exist after the passage of the law, they can be quickly remedied under the flexible provisions.

Those feeling themselves injured can apply directly to the Tariff Commission, which should make its investigation and report its recommendations promptly to the President.

That this is far more practicable for prompt service than the cumbersome method of having the Congress constantly involved in violent tariff controversy goes without saying.

Like the Senator from Idaho, however, I am not satisfied with all rates as they came from the committee, and shall reserve the right to vote my convictions on every schedule, item by item, when they come before the Senate for discussion.

But even after the most careful scrutiny, when the bill is finally passed inequities will appear, and the flexible provisions should be retained to correct any possible injustice.

At this point I ask unanimous consent to have inserted in the RECORD the statement recently given out by the President.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY THE PRESIDENT

In my message to Congress of April 16 at the opening of the special session I gave my views as to broad principles which I felt were of importance in tariff legislation. One of the subjects I then presented was the importance of maintaining the flexible tariff. That principle was advocated over a long term of years by members of all political parties, and it was enacted in the 1922 tariff law. I advocated it at that time and since as a necessity in protection of public interest.

The essential of the flexible tariff is that with respect to a particular commodity, after exhaustive determination of the facts as to differences of cost of production at home and abroad by a Tariff Commission, comprised of one-half its members from each political party, whose selection is approved by the Senate, then the President should, upon recommendation of the commission, promulgate changes in the tariff on that commodity not to exceed 50 per cent of the rates fixed by Congress. Under these provisions the President has no authority to initiate any changes in the tariff. No power rests on the Executive until after recommendations by the commission. Any change must arise from application directly to the commission, and his authority in the matter becomes a simple act of proclamation of the recommendations of the commission or, on the other hand, a refusal to issue such a proclamation, amounting to a veto of the conclusions of the commission. In no sense, therefore, can it be claimed that the President can alter the tariff at will, or that despotic power is conferred upon the Executive. It has been declared a constitutional procedure by the Supreme Court.

The reasons for the continued incorporation of such provisions are even more cogent to-day than ever before. No tariff bill ever enacted has been or ever will be perfect. It will contain injustices. It is beyond human mind to deal with all of the facts surrounding several thousand commodities under the necessary conditions of legislation and not to make some mistakes and create some injustices. It could not be otherwise. Furthermore, if a perfect tariff bill were enacted the rapidity of our changing economic conditions and the constant shifting of our relations with economic life abroad would render some items in such an act imperfect in some particular within a year.

It is proved by a half century of experience that the tariff can not be reviewed by Congress more than once in seven or eight years. It is only a destruction of the principle of the flexible tariff to provide that the Tariff Commission recommendations should be made to Congress for action instead of the Executive. Any person of experience in tariff legislation in the last half century knows perfectly well that Congress can not reopen single items of the tariff without importing discussion all along the line, without the constant unsettlement of business, and the importation of contentions and factious questions to the destruction of other important duties by Congress. Congress has literally hundreds of times in the past refused to entertain any amendment to a tariff except in periods of general revision.

Although the provisions of the 1922 tariff act, as I have stated in the message, proved to be cumbersome in the method of determining costs of production and can be improved, yet despite this the agricultural industry especially received great benefits through this provision, a notable instance of which was the protection of the dairy industry. That industry would be in a sad plight to-day if it had not been for the increased duties given under the flexible tariff.

The flexible provision is one of the most progressive steps taken in tariff making in all our history. It is entirely wrong that there shall be no remedy to isolated cases of injustice that may arise through the failure to adequately protect certain industries, or to destroy the opportunity to revise duties which may prove higher than necessary to protect some industries and, therefore, become onerous upon the public. To force such a situation upon the public for such long periods is, in my view, economically wrong and is prejudicial to public interest.

I am informed the principle is supported by the most important of the farm organizations. It is supported by our leading manufacturing organizations. It is supported by labor and consumers organizations. It has never hitherto been made a political issue. In the last campaign some important Democratic leaders even advocated the increase of powers to the Tariff Commission so as to practically extinguish congressional action. I do not support such a plan.

I have no hesitation in saying that I regard it as of the utmost importance in justice to the public; as a protection for the sound progress in our economic system, and for the future protection of our farmers and our industries and consumers, that the flexible tariff, through recommendation of the Tariff Commission to the Executive, should be maintained.

Mr. REED. Mr. President, I have received a very interesting letter from the Growers Tariff League of California. I send it to the desk and ask that it may be read, printed in the CONGRESSIONAL RECORD, and lie on the table.

There being no objection, the letter was read and ordered to lie on the table, as follows:

GROWERS TARIFF LEAGUE,
512 SACRAMENTO STREET,
San Francisco, September 26, 1929.

Hon. DAVID A. REED,
Senate Office Building, Washington, D. C.

DEAR SENATOR REED: The Growers Tariff League has watched with keen interest and some anxiety the progress of the administrative feature of the tariff bill, as it has finally emerged on the floor of the Senate.

From the very start the league has felt that the flexible clause of the new tariff bill passed by the House, and as recommended by the Senate Finance Committee, is of tremendous importance to agriculture. The league consistently and constantly has preached the doctrine to its members and the various marketing commodity groups with which it enjoys close association, that agriculture wants only a tariff enabling it to compete on a basis of the equality in the American market. Since this is in our opinion a sound doctrine, and one which we can maintain to the welfare of our members and in fairness to the consumer, we are very much interested in the flexible clause.

We believe on the foundation erected by the Congress and acting under the regulations which the House and Senate will stipulate for the use of the flexible clause, a tariff structure can be erected which will be sound economically and efficient in operation. We say this with a clear appreciation of the fact that we must be just as ready to accept a reduction as to stand for an increase in rates when justified by the facts because it must work both ways. We are quite ready to take this risk because of our belief that a prohibitive tariff, out of line with economic conditions, tends to become a burden on the consumer and consequently is a threat to all legitimate rates because of the discontent aroused. Also we do not believe that artificial support beyond equality reacts to the benefit of any industry. With our superior products and thoroughly American methods of sanitation, packaging, and sales, we are quite sure that we can take care of ourselves in the American market, if we are given that difference in the tariff between the cost of production here and the low cost of the competing import.

For these reasons we respectfully urge you to use your influence and to vote to preserve the flexible clause of the pending tariff bill.

Assuring you of our appreciation of your efforts in behalf of agriculture, and with best wishes, I am

Very truly yours,

BEN S. ALLEN, *Secretary.*

Mr. HAWES. Mr. President, there is a thing called "the high cost of uncertainty." Every time the matter of the tariff is brought before Congress the business of the country is unsettled until final action by Congress.

There are two periods in the year when manufacturers, importers, and retail dealers usually fix the price of the commodity to be sold to the consumer.

It is too much to expect that business in periods of uncertainty when the price-fixing time arrives will not so fix their prices that there will be an insurance against loss. So in many cases the prices, if there is long delay by Congress, may be placed abnormally high for the succeeding year.

It has been my purpose, therefore, not to occupy the time of the Senate and to oppose the introduction of new issues or new matters which tend to delay the final settlement of tariff rates. It is unfair alike to manufacturers, to labor, and to agriculture—those who are immediately affected—but it is still more unjust and unfair to the great consuming public, which, after all, will pay the price of tariff changes.

What the country wants is certainty, at the quickest possible time, in relation to the tariff decision.

Closely observing the passage of the tariff bill as a Member of the House in 1922, I have followed with care the deliberations on the Senate side in relation to the present bill.

Few persons understand the actual practical machinery by which Congress decides these questions.

In the House there are 25 members of the Ways and Means Committee. Of these, 15 belong to the Republican Party and 10 belong to the Democratic Party.

On the Senate side the Finance Committee is composed of 19 members; 11 are Republicans; 8 are Democrats.

For many years it has been the custom of both Democratic and Republican leaders to eliminate in final discussion of tariff measures the members of the minority party. It is a fault which may be called nonpartisan, because both parties have done the same thing; but the effect of this method of partisan legislation on the tariff can be understood when we consider that on the House side only 14 States were represented in the framing of the bill and only 11 States were represented when the Senate Committee wrote the bill.

Again, without attempting to criticize the present rules of the House, which have been practically the same for many years under both Democratic and Republican administrations, we find that a special rule is brought in limiting discussion to a very few items and limiting total discussion to a very short time, so that as the tariff bill comes to the Senate it is really the expression of 15 members of the Ways and Means Committee, who provide a method through the Rules Committee for an expression of 420 of the remaining Members of the House.

Fortunately, because of the large membership on the House side on what are called the 20 or more major committees, a Member need serve on but one committee. He therefore specializes; his mind is not diverted by committee work on other subjects.

When we cross to the Senate side, with its limited membership and about the same number of standing committees as the House, another condition prevails which necessitates each Senator serving on from three to five committees.

The House therefore has the advantage of service on one committee in which men may specialize.

It is no reflection on the Members of either the House or the Senate to say that there are few experts on the tariff in either branch of Congress.

In the early days of the Republic tariff schedules were few; they stood out; they were understood. But with the complexities of our modern life and our increase in products, both in variety and form, each having its niceties of trade distribution, and its special problems of competition, it requires the full brain capacity of one man to understand thoroughly one business.

Because of the committee method of examining and reporting, the public frequently does not understand why certain men are more active on both sides in the floor debate. We understand that it is due to the fact that they are the members of the committees having the subject directly under control.

The same thing happens when a bill is reported by the Interstate Commerce Committee or the Agricultural Committee or the Claims Committee. The floor discussions are carried on almost exclusively by the members of these committees.

Watching the passage of tariff legislation in both branches I have now reached the conclusion that the real problem to be solved is taking the tariff issue entirely out of partisan politics; try to make of it an economic question to be solved through investigation and scientific examination.

Parties have been wrecked politically on the sole issue of the tariff. Men of prominence have passed out of public life because of their positions upon it—men and parties who, on other issues, satisfied the people; but on this question, for one reason or another, their actions met with disapproval and they found themselves in the political discard.

In my own campaign for the Senate some years ago I defined my position in the matter of the tariff, claiming in that campaign that the yardstick, the measurement to be applied, should be the difference between the wage scale and living conditions in the United States and foreign countries, and I was therefore pleased with the declaration of my party at Houston to the same effect.

So, in the measurement of tariff duties, I shall be controlled by my own previous declaration and that made later by my party.

It is my opinion that a long step forward in reducing the tariff to a position of nonpartisan discussion would be the creation of a fact-finding commission composed of unbiased minds, representing different sections of the country, well paid for their services and withdrawn from political influence and special pressure; a commission, in fact, which would have the dignity of judges, which would be independent and unafraid; a commission created by Congress appointed by the President and confirmed by the Senate, with a well-defined status of independence; and watch with scrupulous care the character of the men appointed, and relieve them from pressure of both Congress and the Executive in the exercise of their duties; this commission to hear all complaints or requests for an increase or decrease in the tariff rate where a case is presented; with a provision in the law requiring immediate report to Congress of the findings in each case.

It has been suggested that the commission created by Congress should first report to the President and that the President should transmit this report to the Congress with such recommendations as he may desire. I believe this the best plan suggested, and will favor the adoption of such plan.

Mr. President, the proposal by the majority members of the Finance Committee seems to me to be unfortunate. It is in effect the reassertion of the divine right of the king; that "the king can do no wrong."

I shall not occupy time now in a discussion of the historical background where this power to regulate taxation has been taken away from the ruler of every civilized country in the world, or that republics have been set up and monarchies have been destroyed that the representatives of the people might control this particular power in governmental affairs. To-day in every country in the world the taxing power is deposited with the legislative branch of the government.

Where formerly the voice of one man decided everything, we have advanced to the thought that the majority shall decide through their chosen representatives.

Not only is the tariff a tempting agency for the acquisition of power which can be used in the distribution of favors, or a power that might be used as a threat, or even the destruction of an opponent in our domestic affairs, but there also enters into it international questions entirely disassociated from our immediate domestic problems.

I was very much interested in the discussion of the junior Senator from Louisiana [Mr. BROUSSARD]. He attracted our attention to the situation in Cuba and the situation in the Philippines as it affects our domestic affairs.

We all remember that as the result of the Spanish-American War we took over the island of Cuba, conducted its government for a time, and have placed some limitations upon its sovereignty. It is one of our best customers, closely contiguous to our shores. Its problem and our relations with it are part of our domestic tariff difficulties.

Turning to the Far East, we see the Philippines, to whom we promised independence and sovereignty, enjoying great development; but instead of this development in agriculture and manufacture seeking the markets in its neighborhood—the markets of the Far East—it is sending its products into direct competition with the farmers, the wage earners, and the business men of America.

The Department of State is immediately under the direction of the President of the United States; subject to the approval of the Senate, he directs our foreign policy. We read of remonstrances which are being made against our national policy of tariff exclusion. We hear of diplomatic notes passing between the President through his Secretary of State to foreign countries, and yet we are proposing to give to the President an additional legislative power, a power to tax, which does not belong to and is not given to any other ruler of any nation on the earth.

We intrust to him the direction of our foreign affairs, a matter now directly involved in our tariff legislation.

We give him the appointment of the Governor of the Philippines; of our ambassador to Cuba.

If this power of legislation is deposited in the hands of the President, we add to the power of the Executive; we give him the power of negotiation with foreign nations; we give him the power to appoint the Governor of the Philippines and the ambassador to Cuba; and then, in addition to that, we are to give him the power of tariff legislation, which is so intimately connected with these two countries. No Member of the Senate can name a single ruler, king or president, in whom all these powers are deposited.

Mr. President, I do not believe that the delegation of this additional power will assist in removing the tariff question from politics. I am confident that it would, on the contrary, be more deeply involved in politics than it is at the present time; that it would immediately become and remain a political question involving not only our domestic problems and our international problems, but the difficult and complex questions which come from our government in the Philippines and limited control over Cuba would immediately be placed before the President of the United States.

Control over our foreign affairs in this one particular man, the President of the United States, would be giving him autocratic, unlimited powers not deposited with any ruler in the world to-day.

The old Tariff Commission, with its scandals, its incompetency, its record of delays is before us. We have there a demonstration of what a commission, appointed by the Executive, dominated by the Executive, directed by the Executive, may do. One of the best things about the old commission as it operated was the fact that it did practically nothing. But a new and vigorous Executive, desiring to exercise power, may take actively into his hands the power to tax, the power to influence the situation in Cuba, the power to influence the situation as it relates to the Philippines.

There is no limitation in the present bill to prevent his interfering with or changing every schedule now in the tariff law. There is no limitation to his action excepting a subsequent act of Congress, but in the interim the damage may have been done, and the cost will have been paid, as it is always paid, by the consumer.

Mr. President, I have had a complete digest made of all communications that I have received from my own State of Missouri, and it discloses a remarkable situation: These communications come from only those classes of our citizens who are directly affected in their immediate businesses or occupations by the proposed tariff schedules; that is to say, one portion desires the tariff raised for their special benefit; another desires that it be lowered for their special benefit; and I find that these communications are about in the ratio of 60 to 40 per cent in the division of opinion, the larger per cent opposed to the House bill.

Mr. President, the matter that has attracted my attention and riveted it upon this discussion is that the great mass of our citizens—those who pay the bills, who ultimately have to bear the burden of inefficiency in tariff legislation—those who will have to pay the tax—the consumers—have had very little to say upon the subject.

The remonstrances and the appeals come from particular groups or particular businesses. The voice of the men and women who will pay the bills has not been heard. It is asserted here with some vehemence that it may be heard at the polls, but that is too late, it is too remote a remedy.

Mr. President, I favor a fact-finding commission of judicial character, surrounded by the safeguards and solemnities of a court, reporting to the President; but before there shall be a change in the tariff schedules, the President shall make report, with his recommendations, to the Congress.

Called into special session for farm relief, we have created another great bureau, appointed by the President, to spend $500,000,000. Now we are about to extend the exercise of the highest privilege of the legislative branch of the Government, and we are again asked to revitalize another bureau which the President may select, appoint, and control, to whom he may dictate his personal views, whose communications may be accepted or rejected by the President—another great bureau which takes from the Congress and gives to the President a power to tax which is not possessed by any other executive in the world!

That is my opinion on the subject; but it has been suggested that an opinion of that kind is a partisan opinion.

Mr. President, during the last 10 years there have been many notable contributions to our literature in the matter of history, biography, and works of science.

There appeared also a new book, a discussion of the American Constitution and its powers, by Mr. JAMES M. BECK. It immediately received popular approval and was the most discussed book at the time of its original issue. It was read by both lawyers and laymen, and finally went into its third edition.

Its author served as United States attorney for the eastern district of Pennsylvania, was an Assistant Attorney General of the United States, and became Solicitor General of the United States, representing for a number of years the business of the people before our highest tribunal.

It is easy to say of him that he is an able lawyer, has been a representative of the United States Government in various high legal positions, and is an accepted authority on constitutional law.

At the present time he represents the great State of Pennsylvania in Congress.

When the tariff bill was before the House, he was allowed the meager time of 20 minutes to discuss the subject which we now have before the Senate. The impression he made in these 20 minutes was such that his time was indefinitely extended, which enabled him to deliver one of the great speeches of that session.

I desire the privilege of quoting from this Republican Congressman, partly because he is a Republican, but more largely because he is an accepted authority upon the Constitution and its proper interpretation.

On May 22 of this session of Congress, he discussed the decision of the Supreme Court conclusively showing that the decision resolved all doubts in favor of an act of Congress in the interpretation of matters of fact.

But it is not to the law of the question to which I would direct your attention. It is to the historical background and conclusions drawn in this speech which are worthy of repetition here. In other words, it resolves the doubt that when the Congress states a thing as a fact the Supreme Court would sustain its judgment. But it is not to the law of the question that I want to quote Mr. BECK. It is the historical background and conclusions drawn in his speech which seem to make it worthy of repetition.

Mr. BECK said:

> * * * The President may determine whether or not, as between foreign producers who export to this country and domestic producers, there is any inequality in conditions of competition; and if he finds such inequality in conditions, he is further authorized, in his discretion, with the aid of the Tariff Commission, to impose such duties by way of increase or suspend such duties by way of decrease as will compensate for this purely theoretical equilibrium between the conditions of competition in the markets of this country. To enable the President thus to exercise the most ancient prerogative of Congress, or of any legislative body in any free country in the world, namely, the prerogative of imposing taxes, the President is authorized to change classifications and duties, and he is further authorized to change, if necessary, the method of valuation by adopting the American market price as against the price in the market of export.
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> It can not be denied that this is the most far-reaching transfer of the power of Congress to the President that has ever been proposed in Congress.

Mr. BECK again said:

> Taxation is the first and greatest function of a legislative body, and it is the one function that has hitherto distinguished a free nation from one that is not free. In other words, all the great battles of English liberty were fought about this question whether any power, even that of an absolute monarch, could impose a duty without the consent of the great council of the realm. As we know, one English king lost his head in trying to impose taxes without the consent of Parliament; another lost his crown for the same reason; and the most glorious chapters of English history are those when Pym, Eliot, Hampden, and Wentworth, distinguished members of the House of Commons, were willing to risk their heads upon the block rather than surrender the power of the Commons to decide the methods of taxation.

Again Mr. BECK said:

To say that the transfer of a power is the consent of the House to its exercise is to say that the abdication of an essential and vital parliamentary function is a proper discharge of that function, and that would make meaningless all parliamentary institutions. In other words, suppose that Parliament—and it never would—should invest in King George the power to impose any tax he pleases—even considering that Parliament were subservient enough to do it—would that be consistent with the historic ideals of the English-speaking race? I venture to say it would not.

He quoted President Hoover's speech in Boston, on October 15, 1928, in these words:

And these are golden words. They are the words of a true constitutionalist. The most ardent lover of the Constitution in respect to those questions could not ask more than these words I now read:

"The Tariff Commission is a most valuable arm of the Government. It can be strengthened and made more useful in several ways. But—"

A portentous "but"—

"the American people will never consent to delegate authority over the tariff to any commission, whether nonpartisan or bipartisan."

"Our people have the right to express themselves"—

Says the President—

"at the ballot upon so vital a question as this. There is only—"

Listen to this—

"There is only one commission to which delegation of that authority can be made. That is the great commission of their own choosing, the Congress of the United States and the President. It is the only commission which can be held responsible to the electorate. Those who believe in the protective tariff will, I am sure, wish to leave its revision at the hands of that party which has been devoted to the establishment and maintenance of that principle for 70 years."

Therefore it will be in the discretion of the President, and as the compensatory duty is likewise vested in the discretion of the President, the President can in his discretion destroy an industry by reducing the tariff or destroy one competing industry in favor of another by imposing an increase of duty, and there is no officer or court who can call his act into question. He would be as arbitrary as a Tudor monarch. I should be amazed if such a principle should become a law.

Again, the man who for years acted as our counsel before the Supreme Court said this:

Now, look through the form at the substance of this thing. The President appoints the Tariff Commission. Under this law it may be wholly composed of one party. I am not quarreling with that provision; that may be wise. The President can remove them at will. Under the case that I argued in the Supreme Court—Myers *v.* United States (272 U. S.), one of the very greatest I ever had the privilege of arguing in that great and noble court—the power of the President to remove every member of the Tariff Commission is established beyond peradventure.

This is the language of Mr. BECK:

So that with his power of appointment, stimulating gratitude, and his power of removal, stimulating fear, the President controls the Tariff Commission. I do not mean by that that this President or, please God, any President that may be elected hereafter in our lifetime would use that influence with the Tariff Commission; but the power of the President over the Tariff Commission is very strikingly shown by the fact that when a Tariff Commission recommended a reduction of the duty on sugar a former President of the United States ignored their recommendation and refused to make the reduction. So that a Tariff Commission is a good deal like a board of directors. It may have some potential usefulness, but generally it is a deliberative body and its executive head controls. The President is to determine what is called an "inequality in the conditions of competition," and then the President is authorized to raise or lower any item in the whole tariff structure in his sole discretion in order to adjust the country to what he calls an equality of competition. What is more, let me suggest this: Do not think for one moment if this law is passed and this law is validated by the Supreme Court, which is very doubtful—do not suppose that there will be any judicial review by anybody, because there can not be any judicial review as to the exercise of this discretionary power. If there be one principle that is established in this country beyond any other by the Supreme Court in a number of decisions, it is that they will never interfere with an act of political discretion by an executive, least of all by the President of the United States.

I shall quote him just once more and then I shall conclude. Mr. BECK had before this time read to the House the Farewell Address of Washington and had commented upon it. In the same speech this distinguished lawyer, trained in the law, representing the United States in various capacities appearing before the Supreme Court of the United States, the author of one of the greatest of our late works on constitutional law, a lifelong Republican, a Republican representing a district in the high-protection State of Pennsylvania, had this to say:

I said, quoting a portion of the Farewell Address, that the greatest menace to the perpetuity of our institutions, and the greatest possibility of the destruction of the nice equipoise between the Executive and the congressional power was the aggrandizement of the Executive and the diminution, the persistent self-destruction, of Congress in a surrender of its vital powers of legislation. I believe that peculiarly applies to this matter. You give the President of the United States this power of taxation. He already has great power over banks; he has power with respect to railroads. * * * If you give to the President this enormous power over every manufactured commodity, the power to ascertain the fact, which if he finds it no one can dispute and which, having found, he is the judge of the appropriate remedy—if you give him that power, you have given him power which admits of infinite abuse. Now, I honor, admire, and esteem too much the present President of the United States to think for one moment that he would abuse it. * * * But as I said on February 22, let an unscrupulous and ambitious man become President of this country, with all the powers he has under the Constitution and with all the powers that have been given him since the Constitution by the development, I might almost say the perversion, of that instrument, and you have a man so powerful that if he cares to exercise that power nothing but his own death would ever unseat him, unless it were a political revolution. He would have the power to make terms with the greatest industries of this country and give them increased duties or he could terrorize them by the threat of reduced duties, if he saw proper.

Mr. President, I shall not occupy further the time of the Senate in the discussion of this question. In some quarters an effort has been made to present it to the country as a partisan issue, when it is not so, for it is one of the greatest fundamental issues that has been brought before the Congress in my time, involving, as it does, the delegation to the President of the United States of the power to tax. So I thought possibly by reading the exact words of this distinguished Republican Member of the House of Representatives, who is a great constitutional lawyer, that at least to some extent the charge that the opposition is based on partisan grounds might fall.

Mr. STECK. Mr. President, I deeply regret to find myself in disagreement with what I understand to be a majority of my Democratic colleagues on the issue now being considered. I hope no one will attribute my failure to so agree to any indifference to the principles of the party of my voluntary allegiance. I am a Democrat solely because of a firm belief in the foundation principles of that party. Certainly no one would accuse a lifetime resident of rock-ribbed Republican Iowa of being a Democrat from any other motive.

I repeat that I regret my inability to agree with the majority of my colleagues on this side of the Chamber on the pending amendment to the flexible provisions of the administrative sections of the tariff bill. I regret that on a few other occasions I could not agree with the majority of my party here in the Senate. It is a comfortable feeling to be in accord with one's friends, personal and political, but, Mr. President, when my judgment convinces me that my party as here represented does not in a given case represent the best interests and desires of the people of my State and of the Nation then I must act in what I believe to be the interest of those peoples.

The adoption of the amendment offered by the minority leader of the Senate Finance Committee [Mr. SIMMONS] would, as it is intended to do, entirely negative the flexible provisions of the existing tariff law. It would take away the power of the President to change duties. It would make the Tariff Commission a mere fact-finding body and relieve the President of all power except to transmit the facts found by the commission to the Congress with his recommendations.

Mr. President, of course we all know that the present law has not proven to be perfect and that it has been injudiciously administered in some instances. It has been said here—and I believe it to be true—that at least one President of the United States has used his power to influence the procedure and possibly the findings of the commission. Such practice has been justly criticized and, I am sure, meets with the disapproval of the country. No President and no Member of Congress should seek to influence to any degree the judgments, reports, or decrees of any commission or board charged with judicial or semijudicial powers or duties. If any commission, board, or individual member thereof proves inefficient or corrupt, the President has the power of removal and the Congress the power to correct or to entirely abolish by repeal or amendment.

But because one or two members of the Tariff Commission may merit just criticism and perhaps suspicion, and because one President of the United States has perhaps used the power of his great office to influence the procedure and findings of the commission is not in my opinion sufficient reason to abolish the system.

If, as is proposed in the so-called Simmons amendment, we take from the President all power to proclaim changes in classifications and to proclaim changes in rates of duty fixed by statute, then we make of the Tariff Commission a mere fact-finding body performing a function which could as efficiently and more economically be performed by a bureau of one of the existing departments of the Government.

Also, Mr. President, by making of the commission a mere investigating body reporting to Congress we must realize that we are precluding the chance of any changes in statutory rates of duty except through general revisions of the tariff law by Congress. I have read the hearings before both the Ways and Means Committee of the House and the Senate Finance Committee and find that every witness touching the subject was fearful that Congress would never act on reports from the commission, and, Mr. President, I confess to a like fear.

Under the amendment proposed by the Senator from North Carolina, the President would transmit to both Houses of Congress a report from the commission with or without any recommendation from him. The report in the Senate would be referred to the Senate Finance Committee and in the House to the Committee on Ways and Means. As all revenue measures must originate in the House, neither the Senate Finance Committee nor the Senate could take any action. The Ways and Means Committee of the House could immediately proceed to consider the report and recommendations, but whether or not this was done would depend upon the will and wishes of—

First. The chairman of that committee.

Second. A majority of the majority members of that committee.

Third. The Rules Committee of the House.

If there is any need of revision of tariff duties between periods of general revision by Congress, and I believe there is such a need, then the prime element of that necessity is definite and speedy action, and, for myself, I would rather trust the President or the Tariff Commission to act to meet an emergency than I would the rather cumbersome machinery of the Congress, and I believe the country takes the same view.

Mr. President, as I have said, I can not support the Simmons amendment, nor will I support any amendment which proposes to do away with the flexible policy. I will, however, support an effort to repose in the Tariff Commission, with certain qualifications, the powers and duties it now has and the further power to fix by majority vote such changes in classifications or such increases or decreases in rates of duty fixed by statute, as are determined by them in the manner provided by Congress.

I have prepared an amendment which would give this power to the commission, further providing, however, that such changes in classifications and rates shall be tentative and shall become permanent only if not disapproved by act of the Congress then in session or at the session following the proclamation of such changes.

Mr. President, my amendment meets the objections of those who fear the encroachment of the Executive on the legislative branch of the Government. It would lodge the powers of changing classifications and rates in a body created by Congress, under rules prescribed by Congress, and by providing that the rates shall not be permanent until Congress has had an opportunity to act, we limit, so far as is possible, the range of congressional action, and the Congress, if dissatisfied with the rate fixed by the commission can act without being pressed to effect changes in other rates.

Mr. President, if my amendment shall be defeated, I will then support the committee proposal.

The constitutionality of the present flexible provisions of the tariff law has been determined by the Supreme Court of the United States and any discussion of this phase of the matter is purely academic. The constitutionality of my proposal to vest the Tariff Commission with power to proclaim changes in classifications and rates can not, I believe, be questioned.

The desirability, if not necessity, of some method of revising classifications and rates of duty between times of general revisions by Congress is generally admitted. The country is convinced, and, if frank, we must admit, that the Congress can not be expected to act with reasonable promptness upon reports from the commission and suggestions from the President.

Mr. President, whatever may be its faults and weaknesses, I believe that the flexible provisions of the present law have been in the main administered to the benefit of the American farmer, the American laborer, and American industry. The organizations which speak for all these interested groups believe it has been administered to their benefit and in their interests.

I believe further, Mr. President, that with suggested changes in the rules laid down for determining differences in cost of production and competitive conditions, the work of the commission will become increasingly beneficial to our industries, laborers, and consumers generally, and that now to abolish the flexible system entirely would be a backward step in our economic development, and would take away from the farmer, the laborer, and the industrialist the only court they have ever had where they could present their cases in an orderly and judicial manner, and where they have at least a hope of prompt and definite relief.

Mr. President, I do not know what the result of the vote will be. We are told it will be very close. I have made no effort to find out. I understand that a majority of the Democrats and those across the aisle known as Progressives and sometimes as the farm bloc are opposed to the flexible features of the bill. Every Senator votes his best and honest judgment, and seeks to further the interest of his people; and in arriving at this judgment most of us usually consider the wishes and judgment of the people we represent.

If it be true that a majority of the minority Members of the Senate and a considerable number of the majority are opposed to the flexible provisions of the present law and to the provisions proposed by the committee, and as a matter of policy seek to abolish all such provisions, I find it difficult to harmonize their determination with the expressed approval of that policy by the majority of the great farm organizations, by the American Federation of Labor, by the United States Chamber of Commerce, and by the National Manufacturers Association; and we had another expression of approval presented this afternoon in the letter from the Growers Tariff League of California. I find that at the hearings and otherwise the responsible heads of the following organizations have gone on record favoring the flexible tariff policy:

The National Grange.
The American Farm Bureau Federation.
The American Dairy Federation.
The National Dairy Union.
The American Association of Creamery Butter Manufacturers.
The Northwest Agriculture Foundation (North Dakota, South Dakota, Montana, Minnesota).
The Gulf Coast and Florida Fruit and Vegetable Producers.
The American Federation of Labor.
The American Wage Earners Protective Conference (which is a subsidiary of the American Federation of Labor).
The United States Chamber of Commerce.
The National Manufacturers Association.

I further find, Mr. President, that the repeal of the flexible provisions is urged only by certain organizations of importers.

Thus, we find on one side, favoring the retention of the flexible tariff provisions, organizations representing a substantial proportion of our farmers; the American Federation of Labor, representing organized labor; the Chamber of Commerce of the United States, speaking for over 1,700 local bodies, situated in nearly every city of 3,000 or more population in the United States; and the National Manufacturers Association, representing 80,000 separate industrial concerns. We find, on the other hand, urging the repeal of the flexible provisions, the organized importers of foreign-made products.

I remember that during the debates on the various farm bills it was argued that the farmers having spoken, through their representatives, we should give them what they wanted and said they needed. It was said that when other industries asked for legislation it was given to them but that the farmers' pleas were disregarded.

I remember that when the bill to create the Labor Board was being debated it was said that as the railroads and the organizations representing the employees of the railroads had agreed, the bill should pass.

Now we have the farmer, the laborer, the business and manufacturing interests in agreement on the measure about to be voted upon; and we are told that their interests and their expressed wishes may be disregarded!

Mr. President, I hope that the Senate will not prove to be unresponsive to the expressed wishes and judgment of these interests, and to what I believe to be the will and best interests of the country.

Mr. President, I send to the desk the amendment which I mentioned in the course of my remarks. I ask that it may be printed and lie on the table, and also printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. STECK is as follows:

On page 319, commencing with line 10, strike out down to and including line 12 on page 326, and insert in lieu thereof the following:

"SEC. 336. Recommendations for adjustment of duties: (a) Upon its own motion or upon application of any interested party showing good and sufficient reason therefor the commission shall investigate and ascertain the differences in the cost of production of any domestic article and of any like or similar foreign article. If the commission finds it shown by the investigation that the duty imposed by law upon the foreign article does not equalize the differences in the cost of production of the domestic article and of the foreign article when produced in the principal competing country or countries, then the commission shall report to the President such increases or decreases in the duty upon the foreign article as the commission finds to be necessary in order to equalize such difference in the cost of production. Any such increased or decreased duty may include the transfer of the article from the dutiable list to the free list or from the free list to the dutiable list, a change in the form of duty, or a change in classification. The report shall be accompanied by a statement of the commission setting forth the findings of the commission with respect to the differences in costs of production, the elements of cost included in the cost of production of the respective articles as ascertained by the commission, and any other matter deemed pertinent by the commission.

"(b) The President, upon receipt of any such report of the commission, shall thereupon proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute as are stated in such report of the commission. Such changes or/and such rates, so proclaimed, shall go into effect 30 days after the President's proclamation. Providing such changes and/or rates shall be and remain in effect unless the Congress then in session shall by joint resolution of both Houses of Congress determine otherwise, or if Congress be not then in session, the regular session of Congress following such proclamation.

"(c) No report shall be made by the commission to the President under this section unless the determination of the commission with respect thereto is reached after an investigation by the commission during the course of which the commission shall have held hearings and given reasonable public notice of such hearings, and reasonable opportunity for the parties interested to be present, produce evidence, and to be heard. The commission is authorized to adopt such reasonable rules of procedure as may be necessary to execute its functions under this section.

"(d) In ascertaining the differences in costs of production under this section, the commission shall take into consideration, in so far as it finds it practicable—

"(1) The differences in conditions of production, including wages, costs of materials, and other items in cost of production of like or similar articles in the United States and in competing foreign countries;

"(2) Costs of transportation;

"(3) Other costs including the cost of containers and coverings of whatever nature and other charges and expenses incident to placing the articles in condition, packed ready for delivery, storage costs in the principal market or markets of the United States and of the principal competing country or countries, and costs of reconditioning or repacking wherever incurred;

"(4) Differences between the domestic and foreign article in packing and containers, and in condition in which received in the principal markets of the United States;

"(5) Differences in wholesale selling prices of domestic and foreign articles in the principal markets of the United States in so far as such prices are indicative of costs of production, provided such costs can not be satisfactorily obtained;

"(6) Advantages granted to a foreign producer by a foreign government or by a person, partnership, corporation, or association in a foreign country; and

"(7) Any other advantages or disadvantages in competition which increase or decrease in a definitely determinable amount the total cost at which domestic or foreign articles may be delivered in the principal market or markets of the United States."

Mr. JONES. Mr. President, I am not permitted to discuss this proposition as I should like to do. I can only state my conclusions in regard to it; so I have reduced to writing what I have to say.

This is the fourth tariff act that has been considered in the Senate since I became a Member of it. The same unsparing and vicious denunciation of the methods followed in the framing of the previous acts has already been made against this act and with equal, if not greater, vehemence and justification. From the language used, one would conclude that Senators would prefer almost any method to the one we now follow. Personally, I feel that any method would be better.

The Tariff Commission provision in the act of 1922 was adopted in the hope of improving tariff-making methods and of avoiding the justification for such criticisms. It was a step in the right direction. The fact that one member of the commission at some time acted unworthily is not enough to justify condemnation of the work of the commission, nor the abandonment of this agency. It will be a long time, if ever, before anything like that will happen again. The Interstate Commerce Commission was very disappointing for many years after it was created. Many condemned it, and urged the repeal of the act creating it; but no one has the temerity to attack it to-day, or to urge the repeal of the act which created it. With a permanent Tariff Commission and adequate salary for its members, we may very confidently expect able and expert men to be appointed who will become more and more efficient. In my judgment, its membership should be composed of men who believe in the principles laid down for its guidance. This would insure wise, efficient, and harmonious action.

I do not believe the objection most strenuously urged against the proposed action is valid. When we lay down the rules to govern the commission and the President, and fix the limits within which he and the commission must act, we do not give up or transfer any of our legislative power to them.

It is utterly impossible for Senators to act intelligently or wisely upon a bill of this kind within any reasonable time. The pending measure has been under consideration by the Congress almost a year. It contains over 20,000 items. More than 30,000 pages of testimony were taken before the Finance Committee alone. The inevitable result is that the majority members of the committee take care primarily and largely of the interests of their particular States.

My views, formed largely from the action on the two preceding acts and the act then pending, were briefly expressed on the Fordney-McCumber Act. Those views have been strengthened by my experience with, and observance of, the framing and consideration of this bill and the debate that has thus far been had.

At page 11599, part 11, volume 62, second session of the Sixty-seventh Congress, on August 19, 1922, I said:

> I believe the people of the country are becoming much dissatisfied with the methods of Congress in framing tariff bills. They are realizing more and more the impossibility of Congress properly fixing tariff rates upon all the products and affecting all the industries of this country. It is impossible for any committee of Congress or for Congress itself in the space of 2, 3, 4, or 6 months or longer to acquaint itself with the details of all the businesses in this country, and yet that is what Congress must do if it would act wisely upon tariff rates. Congress can and must determine principles and standards, but it can not fix and should not spend its time in trying to fix the actual rates that shall be put on a pound of potash or a yard of cloth.
>
> Mr. President, I hope to see the test made as to whether or not the delegation of power in this bill is constitutional. I believe that it is; and if it is found to be constitutional, then, in my judgment, it is inevitable that Congress, instead of spending its time for months and even years haggling over rates and whether this rate shall be 2 cents or 3, will place permanently within some governmental agency the ascertainment and fixing of these rates upon principles laid down by Congress itself. The people will demand this and insist that Congress spend its time on more important matters. That body, in my judgment, should be the Tariff Commission. The responsibility should not be placed upon the President, but it should be placed upon the Tariff Commission, a permanent body that should give all its time to studying and ascertaining the facts and whose members should make it their life work to make themselves expert in such matters. Congress can go into as much detail as it deems wise to lay down the principles that shall govern this body in determining the rates. It should be most careful in this, and it can well spend a month or two in determining such rules and standards. In taking this action Congress is not abdicating its right, its power, or its duty to levy and fix taxes. If it fixes in detail the principles that shall govern and the standard that shall control, we will get far better results, act with greater wisdom, and far better serve the people's interest and welfare than to continue as we have been doing in the framing of tariff bills and spend our time wrangling over rates about which the great majority of us know nothing.

I evidently did not correct my remarks then made. There were two or three mistakes, which I have corrected in this quotation.

Mr. President, I shall be glad to see this power placed in the commission and the President. I believe that to be wise; and I hope that the provision in the bill known as the flexible provision will be adopted. I desire to say, however, that if that should not be done I think the proposition submitted by the Senator from Nebraska [Mr. NORRIS] is one of the best propositions that has been submitted to secure early action by Congress. I believe that a provision like that would accomplish the purpose sought; and if the reports of the commission must be sent to Congress and acted upon by it, I think we ought to put in a provision that that will prevent the opening up of the tariff question generally when some specific proposition is submitted to Congress.

EXECUTIVE SESSION

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

(All nominations confirmed this day appear at the end of to-day's Senate proceedings.)

REPORTS OF COMMITTEES

The VICE PRESIDENT. Reports of committees are in order.

Mr. MOSES. From the Committee on Post Offices and Post Roads, in behalf of the chairman of the committee, the Senator from Colorado [Mr. PHIPPS], I report favorably certain nominations for the calendar.

The VICE PRESIDENT. The reports will be placed on the calendar.

Mr. STEIWER. From the Committee on the Judiciary I submit a report to go to the calendar.

The VICE PRESIDENT. The report will be placed on the calendar.

Are there further reports of committees? If not, the calendar is in order.

Mr. NORRIS. Mr. President, the Senator from Colorado [Mr. WATERMAN] was authorized by the Judiciary Committee to make a report. I hope he will make it.

Mr. WATERMAN. On behalf of the Committee on the Judiciary, I report favorably the nomination of Scott Wilson for circuit judge in the first judicial circuit. I ask its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. NORRIS. Mr. President, I hope the Senator will not make that request. I do not know of any possible objection to the confirmation; but the attendance here is small and there is not any reason that I know of why the matter should be disposed of at this time. So I hope the Senator will withdraw the request and let the nomination go to the calendar.

Mr. WATERMAN. Mr. President, on the suggestion of the chairman of the committee, of course I shall not insist; but I have been asked to press this nomination along for certain reasons that were assigned and which I do not care to go into. Therefore I will withdraw the request.

The VICE PRESIDENT. The request is withdrawn. The calendar is in order.

POST-OFFICE NOMINATIONS

The legislative clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. I move that the nominations of postmasters be confirmed en bloc.

Mr. ROBINSON of Arkansas. Mr. President, I inquire if the clerk has the report in the case of the post office at Benton, in the State of Arkansas? I thought it was on the calendar.

The VICE PRESIDENT. It is on the calendar, on page 5.

Is there objection to the confirmation of postmasters en bloc? The Chair hears none, and it is so ordered. The nominations are confirmed and the President will be notified.

ASSISTANT SECRETARY OF COMMERCE

The legislative clerk read the nomination of Clarence M. Young to be Assistant Secretary of Commerce.

The VICE PRESIDENT. Without objection, the nomination is confirmed and the President will be notified.

DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE

The legislative clerk read the nomination of William L. Cooper to be Director of the Bureau of Foreign and Domestic Commerce, Department of Commerce.

The VICE PRESIDENT. Without objection, the nomination is confirmed and the President will be notified.

COAST GUARD

The legislative clerk proceeded to read the nominations of sundry officers for promotions in the Coast Guard.

Mr. JONES. Mr. President, I ask that the nominations made in respect of the Coast Guard be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed and the President will be notified.

AIR CORPS OF THE ARMY

The legislative clerk proceeded to read sundry nominations for appointment in the Air Corps, Regular Army.

Mr. REED. Mr. President, I ask that the Air Corps appointments be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed and the President will be notified.

CHIEF OF ENGINEERS

The legislative clerk read the nomination of Brig. Gen. Lytle Brown to be Chief of Engineers, with the rank of major general.

The VICE PRESIDENT. Without objection, the nomination is confirmed and the President will be notified.

MILITIA BUREAU

The legislative clerk read the nomination of Brig. Gen. William Graham Everson to be Chief of the Militia Bureau, with the rank of major general.

The VICE PRESIDENT. The nomination is confirmed and the President will be notified.

ARMY

The legislative clerk read the nominations of sundry officers for promotions in the Regular Army.

Mr. REED. I ask that these nominations, which are all matters of Army routine, be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed and the President will be notified.

NAVAL NOMINATIONS

Mr. HALE. Mr. President, from the Committee on Naval Affairs I report back favorably several nominations for the calendar.

The VICE PRESIDENT. The nominations will be placed on the calendar.

FEDERAL FARM LOAN BOARD

The legislative clerk read the nomination of Albert C. Williams to be a member of the Federal Farm Loan Board.

The VICE PRESIDENT. Without objection, the nomination is confirmed and the President will be notified.

RECESS

Mr. WATSON. As in legislative session, I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) took a recess until to-morrow, Tuesday, October 1, 1929, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1929

TO BE A MEMBER OF FEDERAL FARM LOAN BOARD

Albert C. Williams.

TO BE ASSISTANT SECRETARY OF COMMERCE

Clarence M. Young.

TO BE DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE

William L. Cooper.

COAST GUARD

To be captains

Harold D. Hinckley.
John Boedeker.
William H. Munter.
Philip W. Lauriat.
Leon C. Covell.
Thomas M. Molloy.
Edward S. Addison.

To be captains (engineering)

John B. Turner.
Charles A. Wheeler.
John I. Bryan.
Edwin W. Davis.
Charles S. Root.

APPOINTMENTS IN THE ARMY

To be chiefs of branches

Brig. Gen. Lytle Brown to be Chief of Engineers.

Brig. Gen. William Graham Everson to be Chief of the Militia Bureau.

AIR CORPS

To be second lieutenants

George Elston Price.
Elmer Richard Miller.
Richard Clark Lindsay.
John Gordon Fowler.
John Lyle Nedwed.
Lawrence Wright Koons.
Millard Filmore Tindall.
William Roy Casey.
Fred Stuart Stocks.
Paul Thomas Cullen.
George Graham Northrup.
Thomas Sarsfield Power.
Hudson Chadwick, jr.
Lloyd Harold Watnee.
Philip David Coates.
Earl Edward Myers.
Talma Watkins Imlay.
John Herold Bundy.
Mills Spencer Savage.
Harold Webb Bowman.
Lorry Norris Tindal.
Roger Walker Batchelder.
Merlin Ingels Carter.
John Walker Sessums, jr.
Charles Kenneth Moore.
Raymond Fred Nicholson.
Austin August Straubel.
Wycliffe Eugene Steele.
John Luther Hoffman Trunk.
George Frederick Kehoe.
Roy Henry Lynn.
Robert Bruce Davenport.
Donald Leander Putt.
William Ball.
Carl Rose Storrie.
Merrill Davis Burnside.
Hollingsworth Franklin Gregry.
Eugene Harold Beebe.
Harold Winfield Grant.

Bruce Alexander Tyndall.
Kenneth Alfred Rogers.
Reuben Columbus Hood, jr.
Leslie Oscar Peterson.
Irving Remsburg Selby.
Floyd Bernard Wood.
Theodore Mathew Bolen.
Norman Delbert Sillin.
Durward Oliphant Lowry.
Flint Garrison, jr.
James Leroy Jackson.
Chester Price Gilger.
Hugh Arthur Parker.
Thomas David Ferguson.
Thomas Lawson Thurlow.
Frank Eugene Quindry.
William Basil Offutt.
John Hugh Fite.
Dudley Earl Whitten.
Charles Frederick Sugg.
James Arthur Ronin.

APPOINTMENT, BY TRANSFER, IN THE ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Capt. Cheney Litton Bertholf.

PROMOTIONS IN THE ARMY

Arthur Poillon to be colonel, Cavalry.
Francis Wiley Glover to be colonel, Cavalry.
Alexander Bacon Coxe to be colonel, Cavalry.
Timothy Michael Coughlan to be colonel, Cavalry.
Leonard Lyon Deitrick to be colonel, Quartermaster Corps.
Clarence Andrew Mitchell to be lieutenant colonel, Adjutant General's Department.
John Roy Starkey to be lieutenant colonel, Field Artillery.
Joseph Edward Barzynski to be lieutenant colonel, Quartermaster Corps.
Bloxham Ward to be lieutenant colonel, Infantry.
Thomas Hixon Lowe to be lieutenant colonel, Adjutant General's Department.
Robert Washington Brown to be major, Infantry.
Charles Lowndes Steel to be major, Infantry.
Manuel Benigno Navas to be major, Infantry.
Enrique Manuel Benitez to be major, Coast Artillery.

DENTAL CORPS

To be majors

Roy Albert Stout.
Roy L. Bodine.
Fernando Emilio Rodriguez.
James Jay Weeks.
Thomas Joseph Cassidy.
Wayne W. Woolley.
Howard Austin Hale.

PROMOTION IN THE PHILIPPINE SCOUTS

James Cadmus McGovern to be major, Philippine Scouts.

POSTMASTERS

ARKANSAS

George D. Downing, Benton.

CALIFORNIA

Blanche White, Chatsworth.
Florence A. S. Robeson, Hollydale.
Edith E. Mason, Sante Fe Springs.
Carl G. Huntington, South Gate.
Anna C. Schneider, Clarksburg.
John L. Quist, Mar Vista.
Frederick J. Freeman, Norco.
Bertram H. Latham, San Clemente.
Lucian Bell, Yermo.

FLORIDA

Edgar W. Morris, Fellsmere.
Frederick S. Archer, Howey in the Hills.
Ernest V. Turner, Macclenny.
Earl B. Pennington, Ortega.
Arley M. Hatch, Punta Gorda.
Ernest C. Mahaffey, Quincy.

GEORGIA

Charles W. Satterfield, Adairsville.
Pearl Warren, Abbeville.
Karleene Fowler, Acworth.
Bernard S. McMahan, Alma.
Viola Browning, Arco.
Miles C. Williams, Attapulgus.
Essie C. Ware, Austell.
Annie L. Ford, Avondale Estates.
John B. Crawford, Cairo.
John F. Charles, Chatsworth.
Louise C. Riddle, Davisboro.
Fannie L. Mills, Folkston.
Mary V. Lynch, Fort Screven.
James C. Lee, Franklin.
Abbie F. Beacham, Glenwood.
Robert L. O'Kelley, Grantville.
Beulah L. McCall, Hinesville.
Fannie M. Vaughn, Jeffersonville.
James A. Allen, La Fayette.
James M. Guy, Manchester.
Stella Phelps, Nashville.
Robert L. Callan, Norman Park.
Thomas A. Bulloch, Ochlochnee.
Maude A. Patrick, Omega.
Jessimae Glenn, Plains.
Clyde S. Young, Rebecca.
St. James B. Alexander, Reidsville.
William M. Hollis, Reynolds.
Isaac F. Arnow, St. Marys.
William E. Colquit, Shannon.
Ulysses C. Combs, Sylvester.
Joseph Kent, Tifton.
William C. Griffin, Tunnell Hill.
Forrest C. Berry, Young Harris.

HAWAII

William Ross, Hakalau.
Antone Nobriga, jr., Hanamaulu.
Manuel R. Jardin, Kalaheo.
James M. Hill, Kaunakakai.
Lawrence D. Ackerman, Kealakekua.
Lucy Ornellas, Makawae.
James G. Takemoto, Naalehu.

IOWA

Gladys Miller, Cantril.
Theodore F. Uhlig, Soldier.

KANSAS

Marie C. Walker, Brownell.

LOUISIANA

Edna Byrd, Glenmora.
Philip C. Girlinghouse, Jena.
Overton Smith, Slagle.

MINNESOTA

Nan B. L. Welker, Beaver Creek.
Frank L. Pierce, Breckenridge.
Julia Solseth, Milroy.
Samuel B. Barnett, Ottertail.
Ruth Stevens, St. Paul Park.
Adele Beland, Soudan.

MONTANA

Benard E. Nelson, Malta.
Ella Gray, Ashland.
John B. Goodman, Gildford.
Clara B. Wymond, Joplin.
John A. See, Power.
Theodore E. Didier, Saco.
Cecil E. Kern, Turner.
Duncan Gillespie, Windham.

NEVADA

Frank R. Howard, Gardnerville.
Frank J. Hart, Kimberly.
Clarissa M. Dickson, Mason.
Cada C. Boak, Tonopah.

NEW JERSEY

Walter S. Clayton, Avon by the Sea.
Benjamin F. Butler, Bayville.
Horace G. Young, Fanwood.
William C. Holzbaur, Mercerville.
Jay B. Baldwin, Roseland.
Joseph A. Lowden, Burlington.

NORTH CAROLINA

Lillie G. Hopkins, Newland.

PENNSYLVANIA

John L. Hewitt, Croydon.
Walter S. Cressman, Gwynedd Valley.
Walter Kennedy, Templeton.
John J. Rex, Aspers.
William F. Zahn, Williamsport.
Harlan Stauffer, Kinzers.
Wray T. Laird, Vanderbilt.

TENNESSEE

William A. Reed, Pocahontas.
John E. Barnes, Ramer.

VIRGINIA

Emmitt A. Collins, Appalachia.
Clifford T. Riddel, Bridgewater.
Harry H. Kimberly, jr., Fortress Monroe.
Marcus H. Shelor, Meadows of Dan.

Andrew F. Johnson, Millboro.
Samuel H. Hoge, Roanoke.
Linwood G. Mitchell, Stanardsville.

WEST VIRGINIA

Jacob W. Pettry, Whitesville.

WISCONSIN

Irene M. Hortenbach, Bay City.
Ethel Y. Hogenson, Chili.
Willard B. Potter, Disco.
Sherwood J. Darwin, Grandview.
Harold G. Tucker, Loyal.
Benjamin J. Brown, Neillsville.
John H. Frazier, Prairie du Chien.
Florence M. Lewis, Silverlake.
Arthur J. Vansistine, West De Pere.

HOUSE OF REPRESENTATIVES

MONDAY, *September 30, 1929*

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. William Tyler Page.

Mr. PAGE. The Clerk will read the following communication from the Speaker.

The Clerk read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., September 30, 1929.

The CLERK OF THE HOUSE OF REPRESENTATIVES:

I hereby designate the Hon. EARL C. MICHENER as Speaker pro tempore for this day.

NICHOLAS LONGWORTH,
Speaker House of Representatives.

Mr. MICHENER took the chair as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, we look back in earnestness and look forward in confidence. Thou art always the same! Thou art the same to-day as Thou wert yesterday! So there comes to us the same old message, more and more venerable and more and more true: "Honor all men; love the brotherhood and fear God." Let us seek appreciation rather than criticism; make us free to see the beautiful and to love the good; then the glory and the joy of life will stand freshly revealed in everything. O may we be alive to every flower that springs among the rough places of our everyday life, even to every sweet thing that blooms in the dust of the street, to the mercies and privileges of common days, of common places, of common things, and of common people. Thus we shall be blest along life's pathway until we arrive at home. Amen.

The Journal of the proceedings of Thursday, September 26, 1929, was read and approved.

ADJOURNMENT

Mr. HADLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. McSWAIN. Mr. Speaker, pending that motion, I want to make a unanimous-consent request, and I ask the gentleman from Washington to withhold his motion for a moment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, and will put his motion unless he withholds it.

Mr. McSWAIN. I ask the gentleman from Washington to withhold his motion for a moment.

Mr. HADLEY. I only withhold it to ask the nature of the request.

Mr. McSWAIN. The request is to publish in the Appendix of the RECORD the names of the soldiers from South Carolina who lie buried in the fields of France, Belgium, and other countries.

Mr. JOHNSON of Washington. Has the list from the State been published?

Mr. McSWAIN. No; it has not.

Mr. JOHNSON of Washington. The gentleman is certain it has not been published?

Mr. McSWAIN. It was left with me to do it. I should have been here last week, but I was very busy and could not get here to ask this permission. A number of other Representatives have obtained permission to publish these lists.

Mr. JOHNSON of Washington. A rule was adopted which permitted the publication of these lists by any one Member or one Senator from each State.

Mr. McSWAIN. Our delegation has looked to me to have it done.

Mr. SIMMONS. If the gentleman will permit, at the close of the last session permission was given generally to any Member to insert such a list if it had not been previously published, and the extension in the RECORD last week was put in under the permission given last June.

Mr. HADLEY. Mr. Speaker, that is my recollection of the situation of the RECORD. If the gentleman from South Carolina will examine the RECORD he will find that to be the situation.

Mr. McSWAIN. In other words, the time within which such lists may be published has not expired?

Mr. SIMMONS. Mine were inserted in the RECORD last week under the permission granted last June.

Mr. McSWAIN. That is satisfactory to me.

Mr. GARNER. Mr. Speaker, I hope the gentleman will not press his request. My impression is that if gentlemen will read the RECORD they will find it was understood when we adjourned that until the 14th of October there was to be absolutely nothing done in the House of Representatives, not even the granting of permission to extend remarks. I think gentlemen will find that in the RECORD, and I am just putting this in the RECORD for future consideration. My impression is that the exact statement was made that nothing would be done in the House of Representatives except a motion to adjourn. That meant that there would be no extensions of remarks and no swearing in of Members. We have a Member here now who is ready to be sworn in, and there is no reason why he should not be sworn in; but we have not asked that that be done because we want to keep the exact letter as well as the spirit of that understanding.

The SPEAKER pro tempore. The Chair will state that the gentleman from Texas has stated exactly the position of the present occupant of the chair, and the present occupant of the chair will so hold.

Mr. McSWAIN. Mr. Speaker, I wish to say that that arrangement, in pursuance of the statements made by all parties, is entirely satisfactory to me.

ADJOURNMENT

Mr. HADLEY. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p. m.) the House adjourned until Thursday, October 3, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

55. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting draft of a bill to equalize the allowances for quarters and subsistence between enlisted men of the Army, Navy, and Marine Corps, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KORELL: A bill (H. R. 4441) authorizing the Secretary of the Interior to lease or sell certain land in Clackamas County, Oreg., to the Portland (Oreg.) Local Council of Girl Scouts (Inc.) for use as a summer camp for Girl Scouts; to the Committee on the Public Lands.

By Mr. SUTHERLAND: A bill (H. R. 4442) providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska, in cooperation with the Dominion of Canada; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 4443) granting a pension to Sarah George Wyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4444) granting a pension to Virginia C. Teter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4445) granting a pension to Virginia Roy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4446) granting an increase of pension to Elizabeth Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4447) granting an increase of pension to Catherine McVicker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4448) granting an increase of pension to Leoline R. Coogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4449) granting a pension to Hannah R. Hedrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4450) granting a pension to Job Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4451) granting an increase of pension to Kesiah Trembly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4452) granting an increase of pension to Cyrena Trahern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4453) granting a pension to Rhoda Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4454) granting a pension to Dora Etta Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4455) granting a pension to Mary J. Hovatter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4456) granting an increase of pension to Mary A. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4457) granting a pension to Washington Roy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4458) for the relief of James A. Adams; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 4459) for the relief of the United States Bank of St. Louis, Mo.; to the Committee on Ways and Means.

Also, a bill (H. R. 4460) granting a pension to Charles Hanneman; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 4461) granting a pension to Lettie E. Deyo; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 4462) granting a pension to Elizabeth Brown; to the Committee on Pensions.

Also, a bill (H. R. 4463) granting a pension to Celestie R. Leon; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 4464) for the relief of the estate of Lafayette Keene (Wade Keene, executor); to the Committee on Ways and Means.

By Mr. HESS: A bill (H. R. 4465) granting a pension to Charles E. Ridenour; to the Committee on Pensions.

Also, a bill (H. R. 4466) granting a pension to Louis Ruebusch; to the Committee on Pensions.

Also, a bill (H. R. 4467) granting an increase of pension to Maggie Meyer; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 4468) granting a pension to Concepcion Roybal; to the Committe on Pensions.

Also, a bill (H. R. 4469) for the relief of Second Lieut. Burgo D. Gill; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 4470) granting an increase of pension to S. Bell Leader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4471) granting an increase of pension to Ella E. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4472) granting an increase of pension to Agnes G. Overholt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4473) granting a pension to Nellie Julia Ellen Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4474) granting a pension to Ella M. Butterfield; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 4475) granting an increase of pension to Henrietta McNutt; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 4476) granting an increase of pension to Sallie R. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4477) granting an increase of pension to Lucinda J. Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4478) granting an increase of pension to Sarah A. Baynes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4479) granting a pension to Martha E. Goodwin and her dependent daughter, Edna E. Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4480) granting an increase of pension to Sarah E. Elliott and a pension to her dependent son, Earl Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4481) granting a pension to Anderson T. Redding; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 4482) granting a pension to Ernest Killian; to the Committee on Pensions.

Also, a bill (H. R. 4483) granting an increase of pension to Ellen S. Epperson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4484) granting a pension to Birdia Alice Townsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4485) granting an increase of pension to Mary E. Small; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4486) granting an increase of pension to Lucinda Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4487) granting an increase of pension to Eliza Jaco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4488) granting an increase of pension to Maria Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4489) granting an increase of pension to Emily F. Wall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4490) granting an increase of pension to Ora S. Wray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4491) granting an increase of pension to Mena Ebricht; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4492) granting an increase of pension to Carrie McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4493) granting an increase of pension to Hester A. John; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 4494) granting an increase of pension to Margaretta Pelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4495) granting an increase of pension to Malinda J. Strayline; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 4496) granting a pension to Ora Emma King; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 4497) granting a pension to Mary C. Storer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4498) granting an increase of pension to Mary A. Shepherd; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

713. By Mr. FULLER: Petition of sundry citizens of Newton and Springdale, Ark., favoring increase of pension to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

714. By Mr. O'CONNELL of New York: Petition of the Bottlers Service Club, of New York, opposing an increased tariff on sugar; to the Committee on Ways and Means.

715. By Mr. ROWBOTTOM: Petition of Mrs. J. L. Crabb and others, of New Harmony, Ind., that legislation be enacted into law at this session of Congress for the relief of needy veterans of the Civil War and the aged widows of veterans; to the Committee on Invalid Pensions.

716. Also, petition of John E. Peckinpaugh and others, of Rockport, Ind., that Congress enact into law at this session legislation for the relief of the needy veterans of the Civil War and the aged widows of veterans; to the Committee on Invalid Pensions.

717. Also, petition of Laura E. Critchfield and others, of Gibson County, Ind., that Congress enact into law at this session of Congress legislation for the relief of needy Union veterans of the Civil War and the aged widows of veterans; to the Committee on Invalid Pensions.

718. Also, petition of Emma Stephenson and others, of Bloomington, Ind., that Congress enact into law legislation for the relief of needy Union veterans of the Civil War and the aged widows of veterans; to the Committee on Invalid Pensions.

719. Also, petition of Ethel Mason and others, of the State of Indiana, that Congress enact into law legislation for relief of needy Union veterans of the Civil War and the aged widows of veterans; to the Committee on Invalid Pensions.

720. Also, petition of Iva Davis and others, of Winslow, Ind., that legislation be enacted into law at this session of Congress for the relief of needy veterans of the Civil War and the aged widows of veterans; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *October 1, 1929*

(Legislative day of Monday, September 30, 1929)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. WAGNER obtained the floor.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington?

Mr. WAGNER. I yield.

Mr. JONES. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	Greene	Kendrick
Barkley	Dale	Hale	Keyes
Bingham	Deneen	Harris	La Follette
Black	Dill	Harrison	McKellar
Blaine	Edge	Hastings	McMaster
Blease	Fess	Hawes	Metcalf
Borah	Fletcher	Hayden	Moses
Bratton	George	Hebert	Norris
Brock	Gillett	Heflin	Nye
Capper	Glass	Howell	Oddie
Caraway	Glenn	Johnson	Overman
Connally	Goff	Jones	Patterson
Couzens	Gould	Kean	Phipps